

FEDERAL REGISTER

VOLUME 35 • NUMBER 233

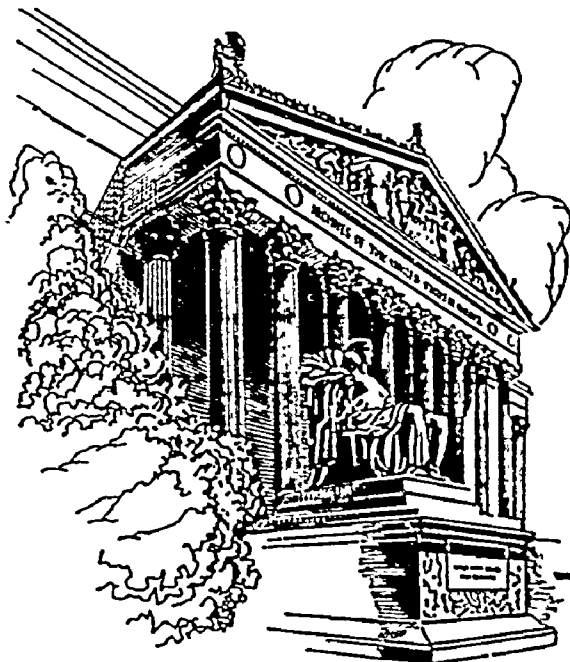
Wednesday, December 2, 1970 • Washington, D.C.

Pages 18309-18362

Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Civil Service Commission
Domestic Commerce Bureau
Emergency Preparedness Office
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance
Corporation
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Hazardous Materials Regulations
Board
Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Small Business Administration
Social and Rehabilitation Service
Transportation Department

Detailed list of Contents appears inside.



Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined (2 documents)..... 18313

AGRICULTURE DEPARTMENT

See Agricultural Research Service.

ATOMIC ENERGY COMMISSION

Notices

General Manager's FY 1971 Environmental Statement; Underground Nuclear Test Programs, Nevada Test Site (Tests of One Megaton or Less); notice of availability 18351
Pacific Gas and Electric Co.; issuance of facility license amendment 18350
Portland General Electric Co., et al.; application for construction permit and operating license..... 18350

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Economic Opportunity Office..... 18322
Health, Education, and Welfare Department 18322
Treasury Department..... 18322

COMMERCE DEPARTMENT

See Domestic Commerce Bureau; International Commerce Bureau.

DOMESTIC COMMERCE BUREAU

Notices

Duty-free entry of scientific articles (7 documents)..... 18338-18340

EMERGENCY PREPAREDNESS OFFICE

Rules and Regulations

Federal disaster assistance; settlement of claims..... 18313

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations.

Standard instrument approach procedures; miscellaneous amendments 18314

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing..... 18328

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules and Regulations

Interest on deposits; obligations other than deposits..... 18314

FEDERAL HIGHWAY ADMINISTRATION

Notices

National bridge inspection standards; extension of closing date for comments..... 18350

FEDERAL MARITIME COMMISSION

Notices

Mitsui O.S.K. Lines (Passenger) Ltd., and Mitsui O.S.K. Lines, Ltd.; issuance of certificates (2 documents) 18341

FEDERAL POWER COMMISSION

Proposed Rule Making

Schedules of fees to be paid by electric public utility companies and natural gas companies..... 18324

Notices

Hearings, etc.:

Cumberland Natural Gas Co., Inc 18343
El Paso Natural Gas Co..... 18341
Florida Gas Transmission Co.... 18345
Lone Star Gas Co..... 18344
Pacific Lighting Exploration Co., et al..... 18341
Southern California Edison Co 18342
Texas Gas Transmission Corp. (2 documents)..... 18342, 18346
Texas Gas Transmission Corp., and Texas Gas Exploration Corp 18346
Transcontinental Gas Pipe Line Corp., and Mid Louisiana Gas Co 18346
Trunkline Gas Co..... 18342
United Fuel Gas Co., and Kentucky Gas Transmission Corp 18343

FEDERAL RESERVE SYSTEM

Notices

First Security Corp.; order approving acquisition of bank stock by holding company bank..... 18347
First Virginia Bankshares Corp.; order approving acquisition of bank stock by bank holding company 18348
Merrill Bankshares Co.; application for approval of acquisition of shares of bank..... 18347
New Citizens Bank; order approving merger of banks..... 18348

FISH AND WILDLIFE SERVICE

Rules and Regulations

Conservation of endangered species and other fish and wildlife... 18319

FOOD AND DRUG ADMINISTRATION

Notices

CIBA Pharmaceutical Co.; withdrawal of approval of new animal drug application..... 18349
Massengill, S.E. Co.; notice of opportunity for hearing regarding kersapray..... 18349

HAZARDOUS MATERIALS REGULATIONS BOARD

Proposed Rule Making

Transportation of hazardous materials:
Bonding and grounding flammable liquid cargo tanks..... 18323
Location of placard holders on tank cars..... 18323

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social and Rehabilitation Service.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Certain officials; delegations of authority (9 documents)..... 18332-18335

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations

Export regulations; miscellaneous amendments 18315

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service (4 documents)..... 18318, 18319

Notices

Fourth section application for relief 18361
Motor carrier:
Applications and certain other proceedings 18354
Intrastate applications..... 18352
Temporary authority applications 18352
Transfer proceedings (2 documents)..... 18360, 18361

(Continued on next page)

LAND MANAGEMENT BUREAU**Notices**

California; classification of public lands for multiple-use management use.....	18335
New Mexico; proposed withdrawal and reservation of lands; correction	18336
Nevada; correction of proposed amendment to final classification of public lands for multiple-use management.....	18338
Utah:	
Classification of lands for multiple-use management.....	18337
Modification of classification of lands for multiple-use management	18336

SMALL BUSINESS ADMINISTRATION**Notices**

Certain officials; delegations of authority (3 documents)	18351
Puerto Rico and Virgin Islands; amendment to declaration of disaster loan area.....	18351

SOCIAL AND REHABILITATION SERVICE**Notices**

Conformity of public assistance plan of Missouri with the Social Security Act; amended notice of hearing.....	18349
---	-------

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulations Board.

Rules and Regulations

Public availability of information; change in title of official.....	18318
--	-------

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

5 CFR	15 CFR	32 CFR
213 (3 documents)	368.....	1712.....
	369.....	
	370.....	
	372.....	
	373.....	
	376.....	
	386.....	
	387.....	
9 CFR		49 CFR
76 (2 documents)		7.....
		1033 (4 documents)
12 CFR		
329.....		
14 CFR	18 CFR	50 CFR
97.....	PROPOSED RULES:	17.....
	3.....	
	32.....	
	33.....	
	34.....	
	35.....	
	36.....	
	45.....	
	159.....	

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1712—FEDERAL DISASTER ASSISTANCE—SETTLEMENT OF CLAIMS

Administrative Collection Activity

Pursuant to the authority vested in me by the Act of July 19, 1966, 80 Stat. 309, 31 U.S.C. 952; the Federal Disaster Act, as amended (42 U.S.C. 1855-1855hh); and 4 C.F.R. ch. II, § 1712.5 (a) (3) and (4) are amended by deleting the words "by reason of the same disaster" in the first sentence of each subparagraph.

Dated: November 27, 1970.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[F.R. Doc. 70-16148; Filed, Dec. 1, 1970;
8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-305]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (9) relating to the State of Missouri, subdivision (i) relating to Stoddard County is deleted, and subdivision (iii) relating to Bates County is amended to read:

(iii) That portion of Bates County bounded by a line beginning at the junction of the Johnstown-Butler Airport Road, State Highway TT, and U.S. Highway 71; thence, following State Highway TT in a westerly direction to the dividing line between Range 32W and Range 31W; thence, following the dividing line between Range 32W and Range 31W in a

northerly direction to State Highway F; thence, following State Highway F in a westerly direction to State Highway FF; thence, following State Highway FF in a northerly direction to State Highway 18; thence, following State Highway 18 in an easterly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a southerly direction to State Highway 18; thence, following State Highway 18 in an easterly direction to the dividing line between Range 31W and Range 30W; thence, following the dividing line between Range 31W and Range 30W in a southerly direction to the Long Mound Road; thence, following the Long Mound Road in an easterly direction to the East Mound Creek; thence, following the west bank of the East Mound Creek in a generally southerly direction to the Johnstown-Butler Airport Road; thence, following the Johnstown-Butler Airport Road in a westerly direction to its junction with State Highway TT and U.S. Highway 71.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11; 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Bates and Stoddard Counties in Missouri from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of November 1970.

F. J. MULHERRY,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16116; Filed, Dec. 1, 1970;
8:48 a.m.]

[Docket No. 70-306]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (15) relating to the State of Texas, a new subdivision (xx) relating to Eastland County is added to read:

(15) *Texas.* * * *

(xx) That portion of Eastland County bounded by a line beginning at the junction of the Eastland-Stephens County line and State Highway 6; thence, following State Highway 6 in a southeasterly direction to Farm to Market Road 2526; thence, following Farm to Market Road 2526 in a westerly direction to Farm to Market Road 569; thence, following Farm to Market Road 569 in a northerly direction to Farm to Market Road 1864; thence, following Farm to Market Road 1864 in a southwesterly direction to the Eastland-Callahan County line; thence, following the Eastland-Callahan County line in a northerly direction to the Eastland-Shackelford County line; thence, following the Eastland-Shackelford County line in an easterly direction to the Eastland-Stephens County line; thence, following the Eastland-Stephens County line in an easterly direction to its junction with State Highway 6.

2. In § 76.2, the reference to the State of Virginia in the introductory portion of paragraph (e), and paragraph (e) (16) relating to the State of Virginia are deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Eastland County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from

or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Isle of Wight County, Va., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. The amendments release Virginia from the list of States quarantined because of hog cholera.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of November 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16117; Filed, Dec. 1, 1970;
8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Obligations Other Than Deposits

1. Effective January 1, 1971, Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 329) is amended by the addition of a new § 329.10 to read as follows:

§ 329.10 Obligations other than deposits.

(a) *General.* Except as provided in this section, the provisions of this Part 329 shall apply to obligations other than deposits that are issued or undertaken by insured nonmember banks for the purpose of obtaining funds to be used in

the banking business.¹⁵ The term "obligations" includes but is not limited to: Promissory notes, acknowledgments of advance, due bills, repurchase agreements, or similar obligations (written or oral).¹⁶

(b) *Exceptions.* The provisions of this Part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

(1) Is issued to (or undertaken with respect to), and held for the account of, (i) a bank,¹⁷ (ii) any organization the time deposits of which are exempt from § 329.6 pursuant to the provisions of § 329.3(g), (iii) an agency of the United States or the Government Development Bank for Puerto Rico;

(2) Evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof, that the bank is obligated to repurchase;

(3) (i) Bears on its face, in bold-face type, the following:

This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation;

(ii) Has an original maturity of 7 years or more and is in an amount of at least \$500;

(iii) States expressly that it is subordinated to the claims of depositors and is ineligible as collateral for a loan by the issuing bank;

(iv) Is unsecured; and

(v) Has been approved by the Federal Deposit Insurance Corporation as an addition to the bank's capital structure.¹⁸ *Provided,* That the restrictions on maturity set forth in subparagraph (3) (ii) of this section shall not apply to any obligation which otherwise meets all the requirements in paragraph (3) of this section and with respect to which the Federal Deposit Insurance Corporation has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this Part 329; or

(4) Arises from a borrowing by an insured nonmember bank from a dealer in securities, for one business day, of proceeds of a transfer of deposit credit in

¹⁵ The term "insured nonmember bank" includes insured nonmember mutual savings banks as defined in § 329.7(a).

¹⁶ The provisions of this section shall not apply to any obligation of a bank which is payable only at an office of the bank located outside of the United States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

¹⁷ The term "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, or a foreign bank. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

¹⁸ Capital notes or debentures issued by insured nonmember banks are subject to the retirement provisions of section 18(1) (1) of the Federal Deposit Insurance Act whether or not such capital notes or debentures are exempt from the provisions of Part 329.

a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", received by such dealer on the date of the loan in connection with the clearance of securities transactions.

2. The purpose of this amendment is to bring all obligations other than deposits of insured nonmember banks within the interest rate control provisions of Part 329 of the Corporation's regulations if such obligations are issued or undertaken for the purpose of obtaining funds to be used in the banking business and are not otherwise exempt under § 329.10(b).

3. A notice of proposed rule making with respect to this amendment was published in the FEDERAL REGISTER on July 3, 1970 (35 F.R. 10868). Interested persons were given 30 days from the date of publication to submit written data, views, or arguments thereon pursuant to section 553(b) of title 5, United States Code, and §§ 302.1-302.5 of the rules and regulations of the Federal Deposit Insurance Corporation. The amendment was adopted by the Board of Directors of the Federal Deposit Insurance Corporation after due consideration of all relevant material, including comments received from interested persons.

(Sec. 9, 18(g), 64 Stat. 881-82, 83 Stat. 371; 12 U.S.C. 1819, 1828(c))

By order of the Board of Directors,
November 25, 1970.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 70-16150; Filed, Dec. 1, 1970;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10710, Amdt. 731]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of

SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW, Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscriptions at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective December 24, 1970.

Aberdeen-Amory, Miss., Monroe County Airport; VOR Runway 19, Amdt. 3; Revised.
Atlanta, Ga., Atlanta Airport; VOR Runway 3, Amdt. 4; Revised.
Atlanta, Ga., Atlanta Airport; VOR Runway 27R, Amdt. 3; Revised.
Atlanta, Ga., Atlanta Airport; VOR Runway 27L, Amdt. 2; Revised.
Bangor, Maine, Bangor International Airport; VOR Runway 15, Amdt. 3; Revised.
Barnesville, Ohio, Bradfield Airport; VOR Runway 27, Amdt. 2; Revised.
Crescent City, Calif., Jack McNamara Field; VOR Runway 11, Amdt. 2; Revised.
Ephrata, Wash., Ephrata Municipal Airport; VOR Runway 20, Amdt. 13; Revised.
Fortuna, Calif., Rohnerville Airport; VOR-1, Amdt. 1; Canceled.
Fortuna, Calif., Rohnerville Airport; VOR Runway 11, Original; Established.
Jackson, Miss., Hawkins Field; VOR-A, Amdt. 11; Revised.
Martinsville, Va., Blue Ridge Airport; VOR-A, Original; Established.
Moab, Utah, Canyonlands Airport; VOR-A, Original; Established.
Northampton, Mass., LaFleur Airport; VOR-A, Amdt. 1; Revised.
Old Town, Maine, Dewitt Field, Old Town Municipal Airport; VOR-A, Amdt. 5; Revised.
Paso Robles, Calif., Paso Robles County Airport; VOR-A, Original; Established.
Paso Robles, Calif., Paso Robles County Airport; VOR R-133, Amdt. 5; Canceled.
Phoenix, Ariz., Phoenix Sky Harbor Municipal Airport; VOR Runway 26L, Amdt. 15; Revised.
San Luis Obispo, Calif., San Luis Obispo County Airport; VOR-A, Original; Established.
Tampa, Fla., Tampa International Airport; VOR Runway 9, Amdt. 4; Revised.
Twin Falls, Idaho, Twin Falls City-County (Joslin Field); VOR Runway 7, Original; Established.
Twin Falls, Idaho, Twin Falls City-County (Joslin Field); VOR Runway 25, Amdt. 10; Revised.
Bangor, Maine, Bangor International Airport; VOR/DME Runway 33, Original; Established.

Crescent City, Calif., Jack McNamara Field; VOR/DME Runway 11, Amdt. 3; Revised.
Crescent City, Calif., Jack McNamara Field; VOR/DME Runway 35, Amdt. 3; Revised.
Ephrata, Wash., Ephrata Municipal Airport; VOR/DME Runway 2, Original; Established.
Old Town, Maine, Dewitt Field, Old Town Municipal Airport; VOR/DME Runway 22, Amdt. 1; Revised.
Paso Robles, Calif., Paso Robles County Airport; VOR/DME-A, Original; Established.
Phoenix, Ariz., Phoenix Sky Harbor Municipal Airport; VOR/DME Runway 8R, Amdt. 4; Revised.
San Luis Obispo, Calif., San Luis Obispo County Airport; VOR/DME 1, Original; Canceled.
Tracy, Calif., Tracy Municipal Airport, VOR/DME-A, Original; Established.

2. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective December 24, 1970.

Atlanta, Ga., Atlanta Airport; LOC (BC) Runway 27L, Amdt. 5; Revised.
Tampa, Fla., Tampa International Airport; LOC/DME (BC) Runway 18R, Original; Established.
Tampa, Fla., Tampa International Airport; LOC (BC) Runway 36R, Amdt. 13; Revised.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective December 24, 1970.

Atlanta, Ga., Atlanta Airport; NDB Runway 9R, Amdt. 8; Revised.
Atlanta, Ga., Atlanta Airport; NDB Runway 9L, Amdt. 31; Revised.
Atlanta, Ga., Atlanta Airport; NDB Runway 27R, Amdt. 2; Revised.
Atlanta, Ga., Atlanta Airport; NDB Runway 27L, Amdt. 2; Revised.
Atlanta, Ga., Atlanta Airport; NDB Runway 33, Amdt. 11; Revised.
Bangor, Maine, Bangor International Airport; NDB Runway 33, Amdt. 1; Revised.
Bremerton, Wash., Kitsap County Airport; NDB Runway 1, Amdt. 6; Revised.
Columbus, Ohio, Ohio State University Airport; NDB-A, Amdt. 3; Revised.
Denver, Colo., Arapahoe County Airport; NDB (ADF)-1, Original; Canceled.
Denver, Colo., Arapahoe County Airport; NDB Runway 10, Original; Established.
Martinsville, Va., Blue Ridge Airport; NDB-A, Amdt. 1; Revised.
Old Town, Maine, Dewitt Field, Old Town Municipal Airport; NDB Runway 22, Amdt. 1; Revised.
Phoenix, Ariz., Phoenix Sky Harbor Municipal Airport; NDB-A, Original; Established.
Phoenix, Ariz., Phoenix Sky Harbor Municipal Airport; NDB (ADF) Runway 26R, Amdt. 2; Canceled.
San Francisco, Calif., San Francisco International Airport; NDB Runway 19L, Original; Established.
Tampa, Fla., Tampa International Airport; NDB Runway 18L, Amdt. 26; Revised.
Tampa, Fla., Tampa International Airport; NDB Runway 36L, Amdt. 8; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective December 24, 1970.

Atlanta, Ga., Atlanta Airport; ILS Runway 9R, Amdt. 12; Revised.
Atlanta, Ga., Atlanta Airport; ILS Runway 9L, Amdt. 37; Revised.
Atlanta, Ga., Atlanta Airport; ILS Runway 33, Amdt. 15; Revised.
Bangor, Maine, Bangor International Airport; ILS Runway 33, Amdt. 4; Revised.

Huntsville, Ala., Huntsville Madison County Jetport/Carl T. Jones Field; ILS Runway 18R, Amdt. 7; Revised.
Tampa, Fla., Tampa International Airport; ILS Runway 18L, Amdt. 27; Revised.
Tampa, Fla., Tampa International Airport; ILS Runway 36L, Amdt. 2; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective December 24, 1970.

Atlanta, Ga., Atlanta Airport; Radar-1, Amdt. 15; Revised.
Phoenix, Ariz., Phoenix Sky Harbor Municipal Airport; Radar-1, Amdt. 3; Revised.
Tampa, Fla., Tampa International Airport; Radar-1, Amdt. 2; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs effective December 24, 1970.

Bremerton, Wash., Kitsap County Airport; RNAV Runway 1, Original; Established.
Renton, Wash., Renton Municipal Airport; RNAV Runway 33, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on November 20, 1970.

EDWARD C. HODSON,
*Acting Director,
Flight Standards Service.*

Note: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[F.R. Doc. 70-16036; Filed, Dec. 1, 1970; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of Export Regs., Amdt. 11]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 368, 369, 370, 372, 373, 376, 386, and 387 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 20 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp)

Effective date: November 27, 1970.

RAUER H. MEYER,
*Director,
Office of Export Control.*

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

In § 368.2 paragraph (a) (9), subdivision (ii) is amended to read as follows:

§ 368.2 International import certificate.

(a) * * *

(9) *Delivery, sale, or transfer of commodities to another U.S. purchaser.* * * *

(ii) Resale or transfer to another U.S. purchaser or transferee requires the prior approval of the Office of Export Control only in cases where the buyer or transferee is listed in Supplement No. 1 to Part 388, Table of Denial and Probation Orders. However, the person who obtained the international import certificate is required to notify the Office of Export Control of any change in facts or intentions relating to the transaction, and in all cases that person is held responsible for the delivery of the commodities in accordance with the export control regulations. The seller or transferor is therefore required in all cases to secure, prior to sale or transfer, and to retain in his files for 2 years, written acceptance by the purchaser or transferee of (a) all obligations undertaken by, and imposed under the export control regulations upon, the holder of the certificate; and (b) an undertaking that all subsequent sales or transfers will be made subject to the same conditions.

* * *

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Section 369.4 is amended to read as follows:

§ 369.4 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the export control regulations, including Parts 387 and 388, apply equally to the reporting requirement set forth in § 369.2. Attention is called particularly to the provisions of § 387.11 under which pertinent records must be kept and made available for inspection for a 2-year period.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

In § 370.1, paragraphs (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively and a new paragraph (b) is established to read as follows:

§ 370.1 General policy.

* * *

(b) *Continuing review of commodity controls.* (1) In accordance with the provisions of the Export Administration Act of 1969, it is the policy of the Department of Commerce to conduct a continuing review of commodities under its licensing jurisdiction to assure that validated export licenses are required for the purposes cited in paragraph (a) of this section. Particular emphasis is placed in the Act on the review of commodities controlled for national security reasons. In this connection, commodities presently under validated license control are reviewed to determine whether such control is still warranted; commodities that may be exported under general license

to most destinations are examined to ascertain whether validated license controls should be extended to additional country groups. While each study must, of necessity, vary in content because of the nature of the commodity under review, the following factors are generally taken into account concerning each commodity:

(i) Its essential features (distinguishing physical or operating characteristics; variations between types, models, grade, etc.; and the technical and strategic significances of these differences).

(ii) Its civilian uses.

(iii) Its military or military-support uses.

(iv) Its end-use pattern in the United States.

(v) Its technological state of development. (Whether it involves a new product and represents the current state of the art. Whether it contains advanced technology that can feasibly be extracted.)

(vi) Its availability abroad (whether the same or a comparable commodity is available from other non-Communist countries and where and by whom. Whether the foreign product is manufactured abroad with U.S.-origin technology or components).

(2) The Department welcomes recommendations from the export trade as to commodities that warrant review. Such recommendations should, if possible, identify the commodity by CCL number and provide information regarding uses (military or military support vs. civilian) and foreign availability in sufficient detail to permit thorough evaluation in accordance with the guidelines set forth above. Brochures or other literature pertaining to the production or availability abroad of a comparable commodity will prove most helpful.

* * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.13 paragraph (c) (1) (i), (d) is amended to read as follows:

§ 372.13 Special provisions for transfer of licenses to another party.

* * *

(c) *Information from transferor and form of request.*—(1) *Less than 15 licenses.* (i) When requesting the transfer of less than 15 outstanding licenses, the original licensee shall submit:

* * *

(d) The following certification:

The undersigned hereby certifies that, if license number(s) ----- is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be made available upon demand and will be retained by me (us) for a period of 2 years from the time of the export from the United States, or any known reexport, transshipment, or diversion, or any other termination of the transaction whether formally in writing or by any other means, whichever is later. The undersigned will promptly report to the Office of Export Control any material or substantive changes in the terms of the order and any other facts of the export transaction

known or reported to the undersigned at any future time by any party to the export transaction.

(Signature of transferor)

(By)

(Title)-----
(Date)**PART 373—SPECIAL LICENSING PROCEDURES**

Sections 373.3 (e) (1) (iv), and (1), 373.4(h) (1) and (3), 373.5(d), 373.7(j), and 373.8(f) (1) are amended to read as set forth below.

In § 373.3 paragraph (e) (1) subdivision (iv) and paragraph (1) are amended to read as follows:

§ 373.3 Distribution license.

* * *

(e) *Action on license applications.* * * *

(1) * * *

(iv) *Table of denial and probation orders.* The licensee under a distribution license is responsible for furnishing promptly to each approved consignee, other than an end-user of the commodities, current reprints of the "Table of Denial and Probation Orders Currently in Effect" (see Supplement No. 1 to Part 388) and each addendum thereto. The licensee is responsible for reproducing any addendum to the "Table of Denial and Probation Orders Currently in Effect" as provided in Export Control Bulletins. Copies of these reprints, generally issued semiannually, may be obtained without charge from the Office of Export Control.

* * *

(1) *Records.* * * *

(3) All records regarding a sale or reexport by a distributor who is an approved consignee under a distribution license shall be retained by the distributor for a period of 2 years from the date of sale or reexport. As a minimum, these records shall contain for each sale or reexport the following:

(i) Full name and address of individual or firm to whom sale or reexport was made;

(ii) Full description of each commodity sold or reexported;

(iii) Units of quantity or value of each commodity sold or reexported; and

* * *

In § 373.4(h) subparagraphs (1) and (3) are amended to read as set forth below:

§ 373.4 Foreign-based warehouse procedure.

* * *

(h) *Records and reports.* (1) The U.S. exporter shall retain for 2 years from the date of validation or return, one copy of each validated Form FC-143 and FC-243, or any such form that was not approved by the Office of Export Control, at his office in the United States and one copy at his distributor's office abroad

from which the distribution of the foreign-based stock is controlled.

(3) All records regarding a distribution, sale, or reexport from a foreign-based stock under this procedure (including distributions to government agencies under the provisions of paragraph (c)(3) of this section shall be retained at the office from which the distribution is controlled for a period of 2 years from the date of distribution. In addition, the original of the Swiss Blue Import Certificates and reproduced copies of the original Yugoslav End-Use Certificates obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of 2 years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

- (i) Validated Form FC-243 number assigned to the customer;
- (ii) Full description of each commodity distributed from the foreign-based stock;
- (iii) Units of quantity or value of each commodity distributed; and
- (iv) Date of shipment.

Section 373.5(d) is retitled, the introductory paragraph is designated paragraph (1), and paragraphs (1), (2), (3), (4), and (5) are redesignated (i), (ii), (iii), (iv), and (v) respectively, and a new subparagraph (2) is added to read as follows:

§ 373.5 Periodic requirements (PRL) license.

(d) *Application procedure*—(1) *Application form*. An application for a PRL license shall be prepared and submitted on Form FC-419, Application for Export License (Rev. January 1966 or later), with Form FC-420, Application Processing Card,² attached, in accordance with instructions contained in § 372.4(a) except as modified below:

(2) *Supporting documentation*. An application for a PRL license shall be supported by the following for each consignee, where the destination is in Country Group V: a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, an Import Certificate, or other documentation, whichever is required by the provisions of Part 375 for the commodity and destination included on the PRL application.

In § 373.7(j), the introductory text is amended to read as set forth below:

§ 373.7 Service supply (SL) procedure.

(j) *Records*. A U.S. exporter is required to maintain records of all exports for a period of 2 years in accordance with the provisions of § 387.11. A foreign-based service facility or a foreign manufacturer is required to retain records of all reexports made under the provisions of this SL procedure for a period of 2 years and to make all such records available for inspection in accordance with

the provisions of § 387.11, upon request, by officials of the U.S. Government. As a minimum, the record of each reexport shall show:

In § 373.8(f), subparagraph (1) is amended to read as set forth below:

§ 373.8 Aircraft and vessel repair station procedure.

(1) *Records and reports*. (1) Any foreign importer approved under this procedure shall maintain records, in the detail set forth below, of commodities imported from the United States and supplied to aircraft or vessels. These records shall be kept for a period of 2 years from the date the commodities are supplied to such aircraft or vessel and shall be made available for inspection, upon demand, by the Office of Export Control or any accredited representative of the U.S. Government. In the event the foreign importer is prohibited by governmental regulation or statute from permitting a U.S. Government representative to inspect his records, the Office of Export Control will consider granting a waiver of this requirement and the substitution therefor of a calendar quarterly report setting forth the information contained in the records. Such request for waiver shall be part of the submission of Form FC-43 to the Office of Export Control, and shall include a citation to the governmental regulation or statute prohibiting the inspection of records, together with a certification that a calendar quarterly report, containing the information specified below, will be submitted to the Office of Export Control if the waiver request is granted.

PART 376—SPECIAL COMMODITIES POLICIES AND PROVISIONS

In § 376.8(b), subparagraph (2) is amended to read as set forth below:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

(2) *Records*. The airline that provides the U.S. commodities shall maintain records in the detail set forth below, for a period of 2 years from the date of the transaction. These records shall be available for inspection, upon demand, by the U.S. Department of Commerce, a U.S. Foreign Service post, or any other accredited representative of the U.S. Government. In the event the airline is prohibited by foreign government regulation, or statute from permitting a U.S. Government representative to inspect its records, the airline shall submit a report of such transactions at the end of each calendar quarter during which one or more transactions occur. The report shall be sent to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, DC 20230. As a minimum, the records and reports shall include the following information for each transaction:

PART 386—EXPORT CLEARANCE

In § 386.3(m), subparagraph (2) is amended to read as set forth below:

§ 386.3 Shipper's export declaration.

(m) *Validated license number or general license designation*. * * *

(2) Exports under a general license. In addition to the commodity description, the general license designation shall be shown in the commodity description column of the declaration. If the commodity to be exported under the general license is shown on the commodity control list under an export control commodity number that is also used for one or more commodity entries under validated license control to Country Group T and/or V, the general license designation shall be followed by the italicized digit(s) in parentheses that follow(s) the export control commodity number. For example, hand type still cameras, fixed focus, are classified on the commodity control list under Export Control Commodity No. 86140 (8). The commodity control list shows a number of other entries under No. 86140, and the figure (8) indicates that this is the eighth entry under that number. Although the commodity control list shows that these cameras may be exported to Country Groups T and V under the provisions of General License G-DEST, it also shows a number of other commodities under No. 86140 that may not be. Therefore, an exporter who wishes to export cameras of the above-mentioned type under the provisions of General License G-DEST should enter "G-DEST (8)" in the commodity description column of the declaration. As another example, chlorendic alkyd resins are classified on the commodity control list under Export Control Commodity No. 58110(9), which means that these resins are in the ninth entry under that export control commodity number. While this commodity may not be exported to any destination under the provisions of General License G-DEST, a shipment valued at not more than \$500 may be made to any destination in Country Group V under the provisions of General License GLV. Therefore, an exporter intending to export to France a shipment of chlorendic alkyd resins are valued at not more than \$500 under the provisions of General License GLV should enter "GLV (9)" in the commodity description column of the declaration.

PART 387—ENFORCEMENT

In § 387.11, paragraphs (c) and (e) are amended to read as follows:

§ 387.11 Recordkeeping.

(c) *Records to be kept*. The records to be kept pursuant to this § 387.11 shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a) of this section, which may be made or obtained by a person described in

paragraph (b) of this section. In addition to the records required to be kept by this § 387.11, the provisions of §§ 368.2, 372.5, 372.6, 373.3, 373.4, 373.5, 373.6, 373.7, 373.8, 374.7, 376.8, 386.3, and 386.6 of the export control regulations require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the export control regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

(e) *Period of retention.* Records required to be kept under this § 387.11 shall be kept for a period of 2 years¹ from, whichever is later, the time of: (1) The export from the United States; or (2) Any known reexport, transshipment, or diversion; or (3) Any other termination of the transaction, whether formally in writing or by any other means.

[F.R. Doc. 70-16113; Filed, Dec. 1, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[Docket No. 10713; Amdt. 7C-2]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix C—Federal Aviation Administration

CHANGE IN TITLE OF CERTAIN OFFICIAL

The purpose of this amendment to appendix C of Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7) is to reflect a change in the title of the official in the Federal Aviation Administration to whom application is made for reconsideration of a decision not to disclose records of the FAA.

Paragraph 5 of appendix C provides that any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Director, Information Services at FAA Headquarters, for reconsideration of the request and that for all purposes, including that of judicial review, the decision of this official is administratively final as the decision of the Federal Aviation Administrator.

¹ Persons subject to this regulation may find it advisable to retain their records longer than the mandatory 2-year retention period because the statute of limitations (title 18, U.S.C. sec. 3282) permits criminal actions to be brought under the Export Administration Act of 1969, and its predecessor Act, within 5 years and administrative compliance proceedings may be brought more than 3 years after alleged violations.

The official formerly designated as "Director, Information Services" has now been designated, "Director, Office of Public Affairs" and this amendment makes appropriate changes in paragraph 5.

Since this amendment merely deletes obsolete regulatory material and relates to agency organization, management, and personnel, notice of rule making and public procedure thereon are not required and the action may be made effective less than 30 days after its publication.

In consideration of the foregoing, paragraph 5 of appendix C of Part 7 of the regulations of the Office of the Secretary of Transportation is amended effective December 2, 1970, to read as follows:

APPENDIX C—FEDERAL AVIATION ADMINISTRATION

5. *Reconsideration of determination not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Director, Office of Public Affairs at FAA Headquarters, for reconsideration of that request. For all purposes, including that of judicial review, the decision of the Director, Office of Public Affairs is administratively final as the decision of the Federal Aviation Administrator.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1657; 5 U.S.C. 552. Section 7.1(c) of the regulations of the Office of the Secretary of Transportation; 49 CFR 7.1(c))

Issued in Washington, D.C., on November 24, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-16094; Filed, Dec. 1, 1970; 8:46 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1025; Amdt. 5]

PART 1033—CAR SERVICE

Regulations for Return of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of November 1970.

Upon further consideration of Service Order No. 1025 (34 F.R. 7451, 9870; 35 F.R. 894, 5334) as amended, and good cause appearing therefore:

It is ordered, That § 1033.1025 *Service Order No. 1025* (Regulations for return of covered hopper cars) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 28, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 370, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16160; Filed, Dec. 1, 1970; 8:51 a.m.]

[Second Rev. S.O. 1037]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of November 1970.

It appearing, that an acute shortage of plain boxcars exists on the Bangor and Aroostook Railroad Co. and the Maine Central Railroad Co.; that shippers located on lines of these carriers are being deprived of such cars required for loading, resulting in a very severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1037 Service Order No. 1037.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 377, issued by E. J. McFarland, or reissues thereof, as having mechanical

designation XM, owned by the Bangor and Aroostook Railroad Co. and the Maine Central Railroad Co.

(2) Boxcars described in subparagraph (1) of this paragraph located in States other than Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, or Vermont may be loaded to any station in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, or Vermont.

(3) Boxcars described in subparagraph (1) of this paragraph, located in the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, or Vermont may be loaded to stations on the lines of the car owner only if routed via the car owning railroad.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (2) and subparagraph (3) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., November 28, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16158; Filed, Dec. 1, 1970; 8:51 a.m.]

[Ninth Rev. S. O. 1041-A]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of November 1970.

Upon further consideration of Ninth Revised Service Order No. 1041 (35 F.R. 17842), and good cause appearing therefor:

It is ordered, That: § 1033.1041 *Service Order No. 1041* (distribution of boxcars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1 (10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 a.m., November 23, 1970, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16159; Filed, Dec. 1, 1970; 8:51 a.m.]

[Rev. S.O. 1050; Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Open-Top Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 23d day of November 1970.

Upon further consideration of Revised Service Order No. 1050 (35 F.R.

16933) as amended, and good cause appearing therefor:

It is ordered, That: § 1033.1050 *Service Order No. 1050* (Demurrage and Detention Charges on Open-Top Hopper Cars) be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This order shall expire at 6:59 a.m., January 1, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., December 1, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16161; Filed, Dec. 1, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

List of Endangered Foreign Fish and Wildlife

By notice of proposed rule making published in the *FEDERAL REGISTER* on July 30, 1970 (35 F.R. 12222-12225), notice was given that it was proposed to amend appendix A to Part 17 of Title 50 CFR by adding additional names to the list of foreign endangered species.

Interested persons were invited to submit their views, data, or arguments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of the publication of the notice. All relevant matters presented have been considered and the proposal is adopted as published, except that the following mammals are deleted from the list as it was proposed:

Common name	Scientific name	Where found
Spider monkey	<i>Ateltes Geoffroyi Geoffroyi</i>	Guatemala
Spider monkey	<i>Ateltes Geoffroyi Geoffroyi</i>	Costa Rica
Kafuelechwe	<i>Kelias Iche Kojensis</i>	Zambia

For good cause found in that 30 days were provided to receive public comment on said proposal which has in fact been available for review for more than 80 days, and after continuing consultation thereon, it is determined that further notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and this amendment shall become effective upon publication in the *FEDERAL REGISTER*.

Accordingly, Appendix A of 50 CFR 17 as amended reads as follows:

STAIRS

Common name	Scientific name	Where found
Southern planigale	<i>Planigale tenuirostris</i>	Australia.
Little planigale	<i>Planigale subtilissima</i>	Do.
Dibbler	<i>Antechinus apicalis</i>	Do.
Large desert marsupial-mouse	<i>Antechinus pascuophilus</i>	Do.
Long-tailed marsupial-mouse	<i>Smithopsis longicauda</i>	Do.
Eastern jerboa-marsupial	<i>Antechinus longior</i>	Do.
Tasmanian tiger	<i>Thylacynus cynocephalus</i>	Do.
Rusty numbak	<i>Marmecolus fasciatus rufus</i>	Do.
Barred bandicoot	<i>Peramecus bougainville</i>	Do.
Rabbit-bandicoot	<i>Macrotis lagotis</i>	Do.
Lesser rabbit-bandicoot	<i>Macrotis leucura</i>	Do.
Pipit-footed bandicoot	<i>Chaeropus caudatus</i>	Do.
Mountain pliny-possum	<i>Burramys parvus</i>	Do.
Woolly possum	<i>Wyulda squamicauda</i>	Do.
Scaly-tailed possum	<i>Lasiornis barnardi</i>	Do.
Barnard's wombat	<i>Beltonia penicillata</i>	Do.
Brush-tailed rat-kangaroo	<i>Beltonia troyae</i>	Do.
Queensland rat-kangaroo	<i>Caloprymnus campestris</i>	Do.
Plain rat-kangaroo	<i>Lagostrophus fasciatus</i>	Do.
Banded hare-wallaby	<i>Lagostrophus hirsutus</i>	Do.
Western hare-wallaby	<i>Lagostrophus hirsutus</i>	Do.
Bridled nail-tail wallaby	<i>Oryzomys frenata</i>	Do.
Crecent nail-tail wallaby	<i>Oryzomys lunata</i>	Do.
Parma wallaby	<i>Macropus parma</i>	Do.
Cuban solenodon	<i>Atopogale cubana</i>	Cuba.
Haitian solenodon	<i>Solenodon paradoxus</i>	Dominican Republic.
Lesser all species.	Lemur, all members of the genera <i>Lemur</i> , <i>Haplorhina</i> , <i>Lepilemur</i> , <i>Chiropterus</i> , <i>Microtus</i> , <i>Phanerogamus</i> , all members of the genera <i>Indris</i> , <i>Aotus</i> , <i>Protophoca</i> .	Madagascar and Comoro Islands.
Indris, stikaks, avahis—all species.	Indridae, all members of the genera <i>Indris</i> , <i>Aotus</i> , <i>Protophoca</i> .	Do.
Are-aye	<i>Pantechia madagascariensis</i>	Madagascar.
Spider-monkey	<i>Ateles geoffroyi formicatus</i>	Costa Rica, Nicaragua.
Do.	<i>Ateles geoffroyi formicatus</i>	Costa Rica, Panama.
Red-backed squirrel monkey	<i>Saimiri oerstedii</i> (<i>Saimiri seturus ceratoides</i>)	Do.
Wooley spider monkey	<i>Brachyteles arachnoides</i>	Brazil.
White-headed salt	<i>Chlorocebus albinus</i>	Do.
Unakut—all species.	<i>Cacajao</i> spp.	Peru, Colombia, Venezuela, Brazil, Ecuador.
Goeldi's marmoset	<i>Callimico goeldii</i>	Brazil, Colombia, Ecuador, Peru.
Golden-rumped tamarin, golden-headed tamarin, golden lion	<i>Leontideus</i> spp.	Brazil.
Man-tailed macaque	<i>Macaca silenus</i>	India.
Tuna River mungabay	<i>Cercopithecus galatius galatius</i>	Kenya.
Doue langur	<i>Ptilinopus nematus</i>	Indochina (Malayan Island), China.
Reef Island langur	<i>Simulans concolor</i>	Indonesias.
Red colobus	<i>Colobus badius pulcherrimus</i>	Kenya.
Red langur	<i>Colobus badius badius</i>	Zanzibar (Tanzania).
Kloss' gibbon	<i>Hylodactylus</i>	Indonesias.
Pileated gibbon	<i>Hylodactylus</i>	Laos, Thailand, Cambodia.
Orangutan	<i>Pongo pygmaeus</i>	Indonesias, Malaysia, Brunei.
Gorilla	<i>Gorilla gorilla</i>	Central and Western Africa.
Brazilian three-toed sloth	<i>Bradypus torquatus</i>	Brazil.
White-eared monkey	<i>Calomys leucurus truncatus</i>	Argentina.
Volcano rabbit	<i>Romerolagus diazi</i>	Mexico.
Mexican parrot dog	<i>Cynomys manicatus</i>	Do.
White-eared monkey	<i>Xenomys manicatus</i>	Australia.
New Holland mouse	<i>Pseudomys newshamii</i>	Do.
Shark Bay mouse	<i>Pseudomys pacificus</i>	Do.
Short-tailed mouse	<i>Pseudomys shortii</i>	Do.
Sandy mouse	<i>Pseudomys fumeus</i>	Do.
Western mouse	<i>Pseudomys coelestis</i>	Do.
Field mouse	<i>Pseudomys fieldi</i>	Do.
Field mouse	<i>Pseudomys fieldi</i>	Brazil.

It is not possible to
 understand the
 world without
 understanding
 the world.

Common name	Scientific name	Where found
Bowhead whale.....	<i>Eubalaena mysticetus</i>	Oceanic.
Right whales.....	<i>Eubalaena</i> spp.....	Do.
Blue whale.....	<i>Balaenoptera musculus</i>	Do.
Sperm whale.....	<i>Physeter catodon</i>	Do.
Finback whale.....	<i>Balaenoptera musculus</i>	Do.
Humpback whale.....	<i>Megaptera</i> spp.....	Do.
Gray whale.....	<i>Eschrichtius glacicus</i>	Do.
Northern fur fox.....	<i>Vulpes velox harrisi</i>	Canada.
Asiatic wild dog.....	<i>Cuon alpinus</i>	U.S.S.R., India, (Central and Southeast Asia); Mexico.
Mexican grizzly bear.....	<i>Ursus arctos nelsoni</i>	Formosa.
Yukon yellow-throated marten.....	<i>Martes flavigula chrysospila</i>	United States, Canada:
Black-footed ferret.....	<i>Mustela nigripes</i>	Cameroons.
Caracoun clawless otter.....	<i>Panonyx melanocephalus</i>	Uruguay, Argentina, Bolivia,
La Plata otter.....	<i>Lutra platensis</i>	Brazil.
Maned wolf.....	<i>Chrysocyon brachyurus</i>	Brazil, Bolivia, Paraguay, Argentina.
Giant otter.....	<i>Pitonura brasiliensis</i>	South America:
Barbery hyena.....	<i>Hyiena lyona barbara</i>	Morocco.
Brown hyena.....	<i>Hyiena brunnea</i>	Southern Africa: U.S.S.R., Afghanistan, Iran,
Asiatic cheetah.....	<i>Acinonyx jubatus venaticus</i>	Pakistan (formerly India, Iraq; and Saudi Arabia).
Spanish lynx.....	<i>Felis lynx pardina</i>	Spain.
Barbery serval.....	<i>Felis tigris baileyana</i>	Ivory Coast.
Florida clouded leopard.....	<i>Nogolion nebulosus macularius</i>	Formosa:
Asiatic lion.....	<i>Panthera leo persica</i>	India.
Sinal leopard.....	<i>Panthera pardus parsi</i>	Sinal, Saudi Arabia:
Barbery leopard.....	<i>Panthera pardus panthera</i>	Morocco, Algeria, Tunisia;
Anatolian leopard.....	<i>Panthera pardus tulliana</i>	Lebanon, Israel, Jordan, Turkey, Syria.
Bali tiger.....	<i>Panthera tigris baliica</i>	Bali (Indonesia):
Javan tiger.....	<i>Panthera tigris sondaica</i>	Indoneshia.
Caspian tiger.....	<i>Panthera tigris tigris</i>	Russia, Afghanistan, Iran.
Sumatran tiger.....	<i>Panthera tigris sumatrae</i>	Indoneshia.
Mediterranean monk seal.....	<i>Monachus monachus</i>	Mediterranean, Northwest African coast, and Black Sea.
Dugong.....	<i>Dugong dugon</i>	East Africa to Ryakyu Islands;
West Indian (Florida) manatee.....	<i>Trichechus manatus</i>	Caribbean, northern South America.
Amazonian manatee.....	<i>Trichechus inunguis</i>	Amazon Basin.
Asian wild ass.....	<i>Equus hemionus</i>	Pakistan, Iran, India, China, Afghanistan, Central Asia.
African wild ass.....	<i>Equus asinus</i>	Ethiopia, Somalia, Sudan.
Mountain tapir.....	<i>Tapirus pirceticus</i>	Colombia, Ecuador, Peru.
Brazilian tapir.....	<i>Tapirus terrestris</i>	Venezuela, Argentina, Brazil, Colombia.
Central American tapir.....	<i>Tapirus bairdii</i>	South America to Colombia.
Sumatran rhinoceros.....	<i>Diceromys sumatrensis</i>	Southeast Asia—East Pakistan to Vietnam; Indonesia, Borneo.
Javan rhinoceros.....	<i>Rhinoceros sondaicus</i>	Indonesha, Burma, Thailand;
Great Indian rhinoceros.....	<i>Rhinoceros unicornis</i>	India, Nepal.
Northern white rhinoceros.....	<i>Ceratotherium simum cottoni</i>	Kenya (Kishaco), Uganda, Sudan, Central African Republic.
Pygmy hog.....	<i>Sus salomonis</i>	India, Nepal, Bhutan, Sikkim;
Visayan pig.....	<i>Viverra zibetha</i>	Peru, Bolivia, Argentina. India, Nepal.
Kashmir stag, hangul.....	<i>Cervus elaphus kashghr</i>	Kashmir.
Barbery stag.....	<i>Cervus elaphus barbarus</i>	Tunisia, Algeria.
McNeill's deer.....	<i>Cervus elaphus macneilli</i>	China, Tibet.
Shoon.....	<i>Cervus elaphus wallichi</i>	Tibet, Bhutan.
Brow-antlered deer, Eld's deer.....	<i>Cervus eldi</i>	India, Southeast Asia.
Persian fallow deer.....	<i>Dama dama nicopolitana</i>	Iraq, Iran.
Bawean deer.....	<i>Haplopus bahui (Cervus bahui)</i>	Indonesha.
Marsh deer.....	<i>Blastocercus dichotomus</i>	Argentina, Uruguay, Brazil, Paraguay.
Sonoran pronghorn.....	<i>Antilocapra americana antelope</i>	Madras, United States.
Black-head impati.....	<i>Alcelaphus natalensis natalensis</i>	Swaziland, Africa, Angola;
Swayer's hartbeest.....	<i>Alcelaphus bussepius swayeri</i>	Angola.
Arca.....	<i>Arca capensis</i>	Philippines.
Indian water buffalo.....	<i>Bubalus bubalis</i>	India, Southeast Asia.
Water buffalo.....	<i>Bubalus bubalis</i>	India, Southeast Asia, East Pakistan.
Sambar deer.....	<i>Rusa sambar</i>	Thailand, India.

BIRDS—Continued

[illegible]

AMPHIBIANS AND REPTILES

Common name	Scientific name	Where found
Israel painted frog.....	<i>Discoglossus nigriventris</i>	Israel.
Stephen Island frog.....	<i>Leiopelma hamiltoni</i>	New Zealand.
River terrapin, tuntutong.....	<i>Balogur baska</i>	Burma, India, Indonesia, Malaysia, Pakistan.
Galapagos tortoise.....	<i>Testudo elephantopus</i>	Galapagos (Ecuador).
Madagascar radiated tortoise.....	<i>Testudo radiata</i>	Madagascar.
Hawksbill turtle.....	<i>Eretmochelys imbricata</i>	Tropical seas.
Leatherback turtle.....	<i>Dermochelys coriacea</i>	Tropical and temperate seas.
Atlantic ridley turtle.....	<i>Lepidochelys kempi</i>	Mexico.
South American river turtle.....	<i>Podocnemis expansa</i>	Orinoco and Amazon River Basins.
Do.....	<i>Podocnemis unifilis</i>	Do.
Short-necked or swamp tortoise.....	<i>Pseudemys dura umbrina</i>	Australia.
Yacaro.....	<i>Caiman yacare</i>	Bolivia, Argentina, Peru, Brazil.
Orinoco crocodile.....	<i>Crocodylus intermedius</i>	Orinoco River drainage.
Cuban crocodile.....	<i>Crocodylus rhombifer</i>	Cuba.
Morelet's crocodile.....	<i>Crocodylus moreletii</i>	Mexico, British Honduras, Guatemala.
Nile crocodile.....	<i>Crocodylus niloticus</i>	Africa.
Gavial.....	<i>Gavialis gangeticus</i>	Pakistan.
Round Island day gecko.....	<i>Phelsuma guentheri</i>	Mauritius.
Day gecko.....	<i>Phelsuma neonot</i>	Do.
Barrington land lizard.....	<i>Conolopius pallidus</i>	Galapagos.
Tuatara.....	<i>Sphenodon punctatus</i>	New Zealand.
Jamaica boa.....	<i>Epicrates subflavus</i>	Jamaica.
Anegada ground iguana.....	<i>Cyclura pinguis</i>	Anegada Island.

FISH

Ala balk.....	<i>Salmo platycephalus</i>	Turkey.
Cieek.....	<i>Acanthorutilus handlirschi</i>	Do.
Miyako tanago.....	<i>Tanakia tanago</i>	Japan.
Ayumodoki.....	<i>Hymenophysa curta</i>	Do.
Mexican blindcat.....	<i>Prielella phreatophila</i>	Mexico.
Nokogigi.....	<i>Coreobagrus ichikawai</i>	Japan.
Giant catfish.....	<i>Pangasianodon gigas</i>	Thailand.
Catfish.....	<i>Pangasius sanitwongsei</i>	Do.

MOLLUSK

Mollusk.....	<i>Papustyla pulcherrima</i>	Manus Island (Admiralty Island).
--------------	------------------------------------	----------------------------------

(16 U.S.C. 668aa et seq.)

Effective date. Upon publication in the FEDERAL REGISTER.

NOVEMBER 24, 1970.

[F.R. Doc. 70-16173; Filed, Dec. 1, 1970; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3216 is amended to show that not to exceed 10 positions of HEW Fellows in grades GS-11 through 15 are excepted under Schedule B. Employment under this authority may not extend beyond 1 year. Effective on publication in the FEDERAL REGISTER, paragraph (c) is added under § 213.3216 as set out below.

§ 213.3216 Department of Health, Education, and Welfare.

(c) Not to exceed 10 positions of HEW Fellows in grades GS-11 through 15. Employment under this authority may not extend beyond 1 year.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16131; Filed, Dec. 1, 1970; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Confidential Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added under paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary. * * *
(34) One Confidential Assistant to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1054-58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16133; Filed, Dec. 1, 1970; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Confidential Staff Assistant to the Executive Secretary (interdepartmental activities) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) Office of the Director. * * *
(26) One Confidential Staff Assistant to the Executive Secretary (interdepartmental activities).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1054-58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16133; Filed, Dec. 1, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 174]

[Docket No. HM-66; Notice No. 70-22]

TRANSPORTATION OF HAZARDOUS MATERIALS

Location of Placard Holders on Tank Cars

The Hazardous Materials Regulations Board is considering amending § 174.549 to remove the requirement for location of side placards near the center of tank cars.

This proposal is based in part upon a petition of the Bureau of Explosives (AAR) to relocate side placards toward the right end of tank cars, preferably near to and below the AAR and DOT markings. The need for relocation is based on changes in tank car design, and the difficulties associated with placing placards at a center location.

The Board believes that both locations have merit and does not desire to unnecessarily restrict placard placement. Therefore, it would no longer be necessary to specify a particular location for a placard on the side of a car. Location would simply be as required in § 174.549(a).

In consideration of the foregoing, it is proposed to amend 49 CFR 174.549 as follows:

In § 174.549, paragraph (d) would be canceled as follows:

§ 174.549 Application of placards.

(d) [Canceled]

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before February 9, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on November 25, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 70-16091; Filed, Dec. 1, 1970;
8:45 a.m.]

[49 CFR Part 177]

[Docket No. HM-65; Notice No. 70-21]

TRANSPORTATION OF HAZARDOUS MATERIALS

Bonding and Grounding Flammable Liquid Cargo Tanks

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to provide specific requirements for bonding and grounding cargo tanks prior to and during transfer of lading. At the same time it is proposed to clarify the provisions for the transfer of flammable liquids while the motor vehicle engine is running.

This proposal is based upon a petition submitted by the American Petroleum Institute to more clearly define the present grounding and bonding requirements in 49 CFR 177.837(b). The petitioner contends that the existing requirements more appropriately apply to small containers (e.g., barrels, drums, portable tanks, etc.) and that there is a need to establish more extensive safety procedures commensurate with industry practices, especially with respect to bonding of cargo tanks while unloading flammable liquids into inherently grounded tanks.

The Board believes that the petition has merit and that safety in transportation will be enhanced by the prescription of more specific and meaningful requirements to safeguard against the ignition of flammable vapors by static electricity.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

In § 177.837, paragraph (a) and the first sentence of paragraph (b) would be amended; paragraphs (c) and (d) would be redesignated paragraphs (d) and (e) respectively; a new paragraph (c) would be added as follows:

§ 177.837 Flammable liquids.

(See also § 177.834 (a) to (k).)

(a) *Engine stopped.* Unless the engine of the motor vehicle is to be used for the operation of a pump, no flammable liquid shall be loaded into, or on, or unloaded from any motor vehicle while the engine is running.

(b) *Bonding and grounding containers other than cargo tanks prior to and during transfer of lading.* . . .

(c) *Bonding and grounding cargo tanks prior to and during transfer of lading.* (1) When cargo tanks are loaded or unloaded through open filling holes, one end of a bond wire shall be connected to the stationary system piping or integrally connected steel framing, and the other end to the shell of the cargo tank so as to provide a continuous electrical connection. (If bonding is to the framing, it is essential that piping and framing be electrically interconnected.) This connection must be made before any filling hole is opened, and must remain in place until after the last filling hole has been closed. Additional bond wires are not needed around all-metal flexible or swivel joints, but are required for nonmetallic flexible connections in the stationary system piping.

(2) Bonding or grounding is not required when cargo tanks are loaded through vapor-tight (not open hole) top or bottom connections.

(3) An external bond wire or bond wire integral with a hose is required for the unloading of flammable liquids into tanks or other containers by means of nonvapor-tight connection between the hose and the container. If the container to be filled has previously contained a flammable liquid, such wire must be at least momentarily grounded to that container before the hose fitting is brought into proximity to the fill hole. Bonding must be continuous during the transfer operation.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before February 9, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on November 25, 1970.

KENNETH L. PIERSON,
Acting Director, Bureau of
Motor Carrier Safety, Fed-
eral Highway Administration.

[F.R. Doc. 70-16090; Filed, Dec. 1, 1970;
8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 32, 33, 34, 35, 36, 45, 159]

[Docket No. R-408]

SCHEDULES OF FEES TO BE PAID BY ELECTRIC PUBLIC UTILITY COMPANIES AND NATURAL GAS COMPANIES AND FOR MISCELLANEOUS SERVICES

Notice of Proposed Rule Making

NOVEMBER 25, 1970.

Notice is hereby given, pursuant to section 553 of title 5 of the United States Code that the Commission is proposing to amend its general rules and regulations under the Federal Power Act and the Natural Gas Act to revise the schedules of fees at present imposed in connection with the filing of certain applications by natural gas companies under the Natural Gas Act and to establish new schedules of fees and annual charges to be applicable to electric utility companies and natural gas producers and pipelines.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 18, 1970, data, views, comments, and suggestions, in writing, concerning all or part of the amendments proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments. The Commission will consider all such written submittals before acting on the matters herein proposed.

Annual charges have long been assessed against licensees of hydroelectric projects pursuant to Congressional direction contained in Part I of the Federal Power Act to require payment *inter alia* by them "in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of the administration of this Part;" and "for recompensing it for the use, occupancy, and enjoyment of its lands or other property * * *".¹

Additionally, Congress has by statute vested authority in all agencies of the Federal Government to prescribe fees or charges for services conferring benefits on persons subject to their jurisdiction so

as to render such agencies as fully self-sustaining as possible. The pertinent provision which is included in title V of the Independent Offices Appropriations Act for the year ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a), reads as follows:

It is the sense of the Congress that any work, service publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy, or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge, or price.

Pursuant to such statute and to recommendations made at hearings before Congressional appropriation committees, we established by order our first schedule of fees (apart from those under Part I of the Federal Power Act) which were payable in connection with applications filed by natural gas pipeline companies for certificates of public convenience and necessity and for other authorizations as especially beneficial to the recipients of the services rendered in their processing. Order 317, 31 F.R. 430, January 13, 1966, as amended by FPC Order 317-A, 31 F.R. 4890, March 24, 1966, Part 159 of the Commission's regulations under the Natural Gas Act, 18 CFR, Part 159.

Congressional appropriation committees have since requested further review of our fee schedules with a view to making increases or adjustments to offset in part the increasing needs for direct appropriations for agency operating expenses. S. Rept. No. 1375, 90th Cong., 2d

Sess.; H. Rept. No. 1348, 90th Cong., 2d Sess. More recently, the Chairman of the Subcommittee on Independent Offices and Department of Housing and Urban Development of the Committee on Appropriations of the House of Representatives requested us to review our rate and fee structures with a view to charging gas and utility companies enough to sustain our administrative operations. Hearings, Independent Offices and Department of Housing and Urban Development Appropriations for 1971, 91st Cong., 2d Sess., Part 2, p. 951.

In compliance with the spirit of the 1952 Appropriation Act, executive directives² and subsequent committee recommendations, we have thoroughly reviewed the existing fee structure and the areas of our administrative operations which have not heretofore been subject to any charges. The fee schedules we propose to adopt have been prepared in the light thereof to meet the statutory objective of making the Commission "self-sustaining to the full extent possible," to recoup by way of payment into the Treasury of the United States the sums reasonably allocable to the estimated costs in fiscal year 1971 of rendering the types of services performed by the Commission as reflected by costs experienced in fiscal year 1970, and to allocate fees and charges as fairly and as equitably as practicable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *".

We propose no changes in the fee schedule relating to Part I of the Federal Power Act since the charges thereby generated substantially cover the cost of administering that part of the Act.³

Our order adopting fee schedules applicable to natural gas pipelines recognized that "neither our costs nor the dollar value of facilities will remain static" and that revision "may be necessary in the light of subsequent experience." The growing complexity of certificate proceedings and increases in costs incurred in administering the certificate programs requires a slight upward readjustment of the rates presently applicable if our operation of this activity is to remain self-sustaining. Accordingly, we propose to increase the amounts payable in connection with applications for certificates under section 7 (c) and (e) of the Natural Gas Act.

² Circular No. A-25, issued Sept. 23, 1950, by the Bureau of the Budget (now Office of Management and Budget), as subsequently amended, sets forth for agency action the scope of user charges activities, guidelines for carrying out the policies prescribed therein and required submission of periodic status reports.

³ Fiscal year 1970 collections for administering part I of the Federal Power Act totalled \$2,568,106 in contrast with actual costs of operations for that part of \$2,900,977 (exclusive of overhead expense and services to other agencies and the public). However, collections effected under part I powers vested in the Commission totalled \$5,337,703, of which \$4,504,299 was paid into the Treasury.

¹ In addition, licensees and holders of permits affected by a determination by the Commission of headwater benefits are required to pay to the United States the cost of making such determination. Provisions for such payments appearing in section 10 (e) and (f) were contained in the original Federal Water Power Act, 41 Stat. 1063, approved June 10, 1920. Implementing regulations appear in Part II of the Commission's regulations under the Federal Power Act, 18 CFR 11.20 et seq.

The remaining costs of carrying out the functions of our pipeline programs have not heretofore been made subject to any charges. In the main, those functions relate to our activities in passing upon pipeline rate filings. Our proposal to allocate estimated costs among jurisdictional companies on the basis of their relative amounts of natural gas delivered seems fair and equitable since their rates are subject to continued surveillance in addition to the complexity of the issues raised in the augmented number of applications for rate increases which have surfaced in recent years.

We also propose to adopt a fee schedule which will return to the Treasury the costs of the producer certificate program based upon the annual commitments of new reserves to the pipelines for interstate deliveries. For reasons of administrative convenience these charges would be paid by the pipelines on the basis of new reserves reported as certificated during each reporting period. The pipelines will be able to recoup the amount of such payments from their customers as part of the costs upon which their rates and charges are based.

The proposed assessments and fees applicable to our functions under Parts II and III of the Federal Power Act are new. Our functions in carrying out the responsibilities imposed under those parts of the Federal Power Act confer benefits upon the recipients. The manner in which allocations should be made has been the subject of much study. We believe our proposals not only spread those costs fairly and equitably but that they are consistent with the legislative and executive mandates we are required to carry out.

The filing fees to be paid upon the filing of designated applications and rate schedules, other than for major rate increases, are in fixed amounts based upon average historic costs incurred in the administration of each of those functions. The sliding scale proposed for major rate increases based upon gross revenues represents, in our judgment, a fair and equitable method of providing for recovery of the average costs involved in the consideration and disposition of those items.

We have also proposed a formula to recoup the remaining costs of our regulatory program and those incurred in the administration of reliability functions by assessments based on revenues as reasonably representative of the value of those services to such companies. We believe our activities in both areas of our operations provide special benefits to the companies subject to our jurisdiction that fully justify the scale of charges we propose to initiate.

Additional miscellaneous charges have been considered to cover costs incurred in connection with the location of file materials requested for inspection and/or copying. Under existing regulations fees are charged for copying pursuant to contract with a private company which provides that service. Moreover, about 75 percent of our searches for filed mate-

rials requires less than one-half hour for which charges would not be administratively feasible. In these circumstances, we believe that only a fee should be charged for certification of documents in the amount of \$2 to cover the estimated cost thereof.

In developing these schedules we have endeavored to adhere to the guidelines contained in Budget Circular No. A-25 by the imposition of charges "to each identifiable recipient for a measurable unit or amount of Government service * * * from which he derives a special benefit." These services include agency action which "provides special benefits * * * above and beyond those which accrue to the public at large * * * or provides "more immediate or substantial gains or values * * * than those which accrue to the general public * * * or provides business stability or assures public confidence in the business activity of the beneficiary * * * or is "performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public * * *".

Costs directly allocable to a specific type of service rendered to specifically identifiable persons would be effected by charges directly related to that specific service. In determining the amount thereof we are not required to keep cost records on a case-by-case basis but are authorized to average the costs involved in a particular service. *Aeronautical Radio, Inc. v. United States*, 335 F. 2d 304 (CA7, 1964), certiorari denied, 379 U.S. 966 (1965). Our remaining proposed charges being of benefit overall to the members of both industries would be assessed on a measure of size against those within the ambit of our jurisdictional activities.

The proposed amendments to the Commission's regulations would be issued under the authority granted by the Federal Power Act, particularly section 309 (49 Stat. 858, 16 U.S.C. 825b) and the Natural Gas Act, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o).

A. The following are proposed amendments to Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations.

1. Amend the title of Part 3 by inserting the words "Miscellaneous Charges" immediately preceding the words "Ethical Standards". As so amended the title of Part 3 will read:

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

2. Amend § 3.102 *Public information, requests, and assistance* by revising the section title and by revising paragraph (b) to read as follows:

§ 3.102 *Public information, requests, and assistance; miscellaneous charges.*

(b) During the Commission's regular business hours, the public may examine

in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Photo copies of public material may be obtained through the public reference room. Fees charged for such copies are established by an annual contract between the Commission and a private company which does the work. Current schedules of fees for copying work are available from the Office of Public Information. Except for requests made by government agencies certification of copies of any official Commission record shall be accompanied by a fee of \$2. Inquiries and orders may be made to that office personally, by telephone, or by mail.

B. The following are proposed amendments to Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

1. Revise the title of "Part 11—Annual Charges" to read as follows:

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

2. In "Part 32—Interconnection of Facilities; Emergencies; Transmission to Foreign Country", revise the section titles and introductory clauses of §§ 32.1, 32.22, 32.51, to read as follows:

§ 32.1 *Contents of application; filing fee.*

Every application under section 202 (b) of the Act shall be accompanied by the fee described in Part 36 of this subchapter and shall set forth the following information:

§ 32.22 *Application for permanent connection for emergency use; contents; form and style; filing fee; number of copies.*

Application for Commission approval of a permanent connection for emergency use only shall be accompanied by the fee described in Part 36 of this subchapter and shall conform with the requirements of §§ 32.1 to 32.4, inclusive, and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

§ 32.51 *Contents of application; filing fee.*

Every application shall be accompanied by the fee described in Part 36 of this subchapter and shall set forth in the order indicated, the following:

3. In "Part 33—Application for Sale, Lease, or Other Disposition, Merger, or Consolidation of Facilities, or for Purchase or Acquisition of Securities of a Public Utility," revise the title and introductory sentence of § 33.2 to read as follows:

§ 33.2 *Contents of application; filing fee.*

Each such applicant shall set forth in its application to the Commission, which

shall be accompanied by the fee described in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which should, insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

4. In "Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities," revise the title and introductory sentence of § 34.2 to read as follows:

§ 34.2 Contents of application; filing fee.

Every such applicant shall set forth in its application to the Commission, which shall be accompanied by the fee described in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a liability, shall be furnished as to both the issuer and the person assuming liability:

5. In "Part 35—Filing of Rate Schedules," between the heading "Application" and "§ 35.1 Application; obligation to file rate schedules," insert a new "§ 35.0 Filing fees," which will read as follows:

§ 35.0 Filing fees.

Every filing made under this part shall be accompanied by the fee described in Part 36 of this subchapter.

6. Immediately following Part 35, add a new "Part 36—Annual Charges and Fees" which will read as follows:

PART 36—ANNUAL CHARGES AND FEES UNDER PARTS II AND III OF THE FEDERAL POWER ACT

§ 36.1 Annual charges.

Reasonable annual charges shall be assessed by the Commission against each public utility to reimburse the United States for such costs of administration of Parts II and III of the Federal Power Act as hereinafter provided:

(a) A determination shall be made for each fiscal year of the costs of administration of the Commission's public utility regulatory and interconnection and coordination programs from which shall be deducted the amounts reserved pursuant to the provisions of paragraph (c) of this section and § 36.2.

(b) For each calendar year terminating in such fiscal period the costs of administration determined under paragraph (a) of this section shall be assessed against each public utility in the proportion that the gross revenues of such public utility bear to the sum of the gross revenues of all public utilities for the like period.

(c) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

§ 36.2 Filing fees.

A filing fee in the amounts set forth below shall accompany each of the following:

(a) Applications for physical connections	\$150
(b) Applications for the construction of border facilities	150
(c) Other corporate applications authorized by these regulations under the Federal Power Act, except applications under Part I of the Federal Power Act, applications for authority to hold interlocking positions, and applications for the merger or consolidation of public utilities as provided in paragraph (d) of this section	500
(d) Applications for the merger or consolidation of class A or class B public utilities or any combination thereof	10,000
(e) Nominal rate schedule filings other than that involving rate increases	100
(1) Examples of such filings include schedule changes having minimal impact on the operations of a public utility such as those providing service to an additional delivery point, changes in maximum obligation to serve, changes in minimum billing demand not affecting billings, changes in service rules or regulations not affecting billings, extensions of terms of contracts or continuation of service, cancellation of rate schedules where service is no longer needed, changes in delivery voltages or metering voltages, changes in contract provisions not affecting service, rates, or billings, and adoption of initial rate schedules containing rates identical to rates applicable to the same customer class previously accepted for filing.	
(f) Moderately complex rate schedule filings	500
(1) Examples of such filings include schedule changes presenting more complex administrative problems such as those involving interconnection agreements, pooling agreements, and additional large-scale sales.	
(g) Rate schedule filings involving nominal rate increases	500
(1) These include schedule changes involving increases in rates totaling less than \$50,000.	
(h) Rate schedule filings involving rate increases other than covered under paragraph (g) of this section, as follows:	
One percent of the amount of such increases up to but not exceeding \$1 million;	
\$10,000 plus one-half percent of the amount of such increases in excess of \$1 million and not exceeding \$10 million;	
\$55,000 plus one-fourth percent of the amount of such increases in excess of \$10 million.	
(i) Applications to hold interlocking positions	100

§ 36.3 Miscellaneous.

Annual assessments and fee payments shall be made by check or money order to the Treasurer of the United States. No fees will be refunded.

§ 36.4 Accounting for fees paid pursuant to this part.

A public utility subject to the provisions of this part shall account for the assessments and fees paid by charging the

amounts thereof to Account 928, regulatory commission expenses.

7. In "Part 45—Application for Authority to Hold Interlocking Positions," revise the title and introductory clause of § 45.8 to read as follows:

§ 45.8 Contents of application; filing fee.

Each application shall be accompanied by the fee described in Part 36 of this subchapter and shall state the following:

B. The following are proposed amendments to Part 159, Subchapter E—Regulations under the Natural Gas Act, chapter I, Title 18 of the Code of Federal Regulations:

1. In § 159.2 applications involving construction or acquisition of facilities, revise paragraphs (a), (b), and (d) to read as follows:

§ 159.2 Applications involving construction or acquisition of facilities.

(a) Within 30 days following issuance of notice of application, an amount equal to 65/1000 of 1 percent (0.00065) of the estimated cost of construction of new facilities or of facilities to be acquired;

(b) Within 30 days following grant of the certificate, an amount equal to 130/1000 of 1 percent (0.00130) of the estimated cost of construction of new facilities or of facilities to be acquired, unless applicant does not accept the certificate.

(d) If the actual cost of construction of new facilities or of facilities to be acquired exceeds the estimated cost thereof, the statement of actual cost, required to be submitted by § 157.20 (c) (4) and (d) (3) of this chapter, shall be accompanied by an amount equal to 105/1000 of 1 percent (0.00195) of the excess of actual cost (plus estimated cost of facilities for which actual cost is not then recorded on the books of applicant) above estimated cost.

2. Immediately following § 159.2, insert a new "§ 159.2a Costs administration" which will read as follows:

§ 159.2a Costs of administration.

Reasonable annual charges will be assessed by the Commission against natural gas companies to reimburse the United States for costs of administration of the Natural Gas Act, as follows:

(a) A determination shall be made for each fiscal year of the costs of administration of the natural gas pipeline programs from which shall be deducted the amounts received pursuant to the provisions of §§ 159.1 and 159.2.

(b) For each calendar year terminating in such fiscal period the costs of administration determined under paragraph (a) of this section shall be assessed against each class A and class B natural gas company in the proportion that the total gas deliveries of such natural gas company bear to the sum of the total gas deliveries of all class A and class B natural gas companies for the like period.

(c) In addition to the annual charges prescribed by paragraphs (a) and (b) of this section, each natural gas company required to file an Annual Report—Total Gas Supply on FPC Form No. 15 shall be assessed one-tenth (1/10) of a mill for each Mcf of new reserves certificated during the year covered by said report as shown for item 14 of such form.

(d) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

3. In "§ 159.3 Miscellaneous", revise paragraph (a) to read as follows:

§ 159.3 Miscellaneous.

(a) *Method of payment.* Annual assessments and fee payments shall be made by check or money order payable to the Treasurer of the United States. No fees will be refunded.

* * * * *
The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10128; Filed, Dec. 1, 1970;
8:49 a.m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 519]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Appli- cations Accepted for Filing²

NOVEMBER 23, 1970.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

¹ All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, Call sign, and nature of application

- 2598-C2-P-71—Muscatine Seed & Supply Co. (KAF252), C.P. to relocate facilities operating on 152.15 MHz to 0.5 mile northwest of Muscatine, Iowa.
- 2600-C2-AL-71—Paducah Radio Telephone Service, Consent to assignment of license from Telephone Answering Service, Inc., doing business as Paducah Radio Telephone Service, Assignor, to Telephone Answering Service, Inc., Assignee. Station KJU799, Paducah, Ky.
- 2601-C2-P-(3)71—Intrastate Radio Telephone, Inc. of San Francisco (New), C.P. for a new 2-way station to be located at Round Top Peak, Oakland, Calif., to operate on frequencies 152.12, 454.150, and 454.175 MHz.
- 2602-C2-P-71—Mobile Dispatch Service (KOA734), C.P. to replace base transmitter operating on frequency 152.15 MHz located at 505 14th Avenue North, Seattle, WA.
- 2630-C1-P-71—Coosa Valley Telephone Co., Inc. (New), C.P. for a new two-way station to be located near Pell City, Ala., to operate on frequency 152.600 MHz.
- 2633-C2-P-(3)71—RAM Broadcasting of Ohio, Inc. (New), C.P. for a new two-way station to be located at the Farmdale Orphanage, Parma, Ohio, to operate on frequencies 454.200, 454.350, and 454.025 MHz.
- 2634-C2-P-71—Rapid Answering Service (New), C.P. for a new two-way station to be located at 1110 Fuller Street, Big Rapids, MI, to operate on frequency 152.09 MHz.
- 2636-C2-MP-71—Autophone of San Antonio (KRS651), Modification of C.P. to replace the transmitter operating on 152.24 MHz and change the antenna system located at 700 East Hildebrand Street, San Antonio, TX.
- 2637-C2-P-71—Auto Phone Co. (KME439), C.P. to replace the base transmitter operating on 152.15 MHz at location No. 1: Pilot Peak, Calif.
- 2650-C2-P-(3)71—Caprock Radio Dispatch (KKO353), C.P. to replace the base transmitter operating on 152.18 MHz; change the repeater frequency to 75.84 MHz and change the antenna system at location No. 6: 3.5 miles southwest of Caprock, N. Mex., change control frequency to 72.46 MHz; replace transmitter and change the antenna system at location No. 7: 601 North Grimes Street, Hobbs, NM.
- 2651-C2-P-(3)71—Caprock Radio Dispatch (KKJ449), C.P. to replace the control transmitter operating on 454.10 MHz at location No. 2: 102 West First Street, Roswell, NM, replace base transmitter operating on 152.12 MHz and change the antenna system, replace repeater transmitter operating on 459.10 MHz at location No. 1: 3.5 miles southwest of Caprock, N. Mex.
- 2652-C2-P-(3)71—Northern Mobile Telephone Co. (KQB688), C.P. to add frequencies 454.050 and 454.075 MHz at location No. 1: 1179 Country Road No. 44, East of Hinckley, OH, and add frequency 454.225 MHz at location No. 2: 5595 Goodell Road, Freedom, OH.
- 2653-C2-P-71—Cuyahoga County Communications Co. (KLF508), C.P. to add frequency 454.125 MHz located at 2203 West Sprague Road, Cleveland, OH.
- 2654-C2-AL-(3)71—New Orleans Mobilfone, Consent to assignment of license from Communications Industries, Inc. doing business as New Orleans Mobilfone, Assignor, to Business Communications, Inc., Assignee. Stations KLB759 Port Sulphur, La., KKA400 New Orleans, La., KLF617 New Orleans, La. (1-way).
- 2655-C2-AP/AL-(5)71—Radio Telephone Secretaries, Consent to assignment of license from Margaret Walsh, doing business as Radio Telephone Secretaries, Assignor, to Tel/Sec Radio Inc., Assignee. Stations KRM974 Manitowoc, Wis. (1-way), KRH008 Oshkosh, Wis., KSJ762 Appleton, Wis., KLF645 Green Bay, Wis., KRS827 Appleton, Wis. (1-way).
- 2657-C2-P-71—Jacksonville Radio Dispatch Service (KIQ510), C.P. to change the antenna system operating on 35.58 MHz and relocate same to location No. 1: 1889 Southampton Road, Jacksonville, FL.

Major Amendment

- 573-C2-P-(3)71—Imperial Communication Corp. (KMA262), Amend to delete base frequencies 454.20 and 454.30 MHz and mobile frequencies 459.20 and 459.30 MHz in lieu thereof, 454.025 and 454.275 MHz base and 459.025 and 459.275 MHz mobile. All other particulars to remain the same as reported on public notice dated August 3, 1970, Report No. 503.

Correction

- 2866-C2-P-69—North Shore Communications Inc. (New); Correct to consider as: Major Amendment to 1073-C2-P-69—North Shore Communications Inc. (New), Amend to add frequency 158.70 MHz at location No. 1: 3 Sidney Street, Wakefield, Mass., and location No. 2: Monterey Hill, West Roxbury, Mass. Refer to: Report No. 403, dated September 3, 1968, Report No. 408, dated October 7, 1968, Report No. 415, dated November 25, 1968, and Report No. 517, dated November 9, 1970.

RURAL RADIO SERVICE

- 2638-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located approximately 3 miles northwest of Calhoun, La., to operate on frequencies 157.83 and 157.95 MHz.
- 2654-C1-AL-71—New Orleans Mobilfone, Consent to assignment of license from Communications Industries, Inc., doing business as New Orleans Mobilfone, Assignor to Business Communications, Inc., Assignee. Station: KKB33 Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2603-01-P-71—American Telephone and Telegraph Co. (KIP57), C.P. to add frequencies 3830 and 4010 MHz toward Ojus, Fla. Station location: 38 Northeast Second Street, Miami, FL.

2604-01-P-71—American Telephone and Telegraph Co. (KJ168), C.P. to add frequencies 3710, 3790, and 3870 MHz toward Miami, Fla., and 3890 and 3970 MHz toward Margate, Fla. Station location: Approximately 3.5 miles northwest of Ojus, Fla.

2605-01-P-71—American Telephone and Telegraph Co. (KJ170), C.P. to add frequencies 3750, 3830, and 3910 MHz toward Ojus, Fla., and 3930 and 4010 MHz toward Boynton Beach, Fla. Station location: 0.5 mile northeast of Hammondville, Fla. (Margate).

2606-01-P-71—American Telephone and Telegraph Co. (KJ169), C.P. to add frequencies 3710, 3790, and 3870 MHz toward Margate, Fla., and 3890 and 3970 MHz toward West Palm Beach, Fla. Station location: 4 miles west-southwest of Boynton Beach, Fla.

2607-01-P-71—American Telephone and Telegraph Co. (KIN43), C.P. to add frequencies 3750, 3830, and 3910 MHz toward Boynton Beach, Fla. Station location: 326 Fern Street, West Palm Beach, FL.

2608-01-P-71—United Telephone Co. of the Northwest (KPJ01), C.P. to add frequencies 6197.2 and 6345.5 MHz toward Burns, Ore., via passive reflector. Station location: 3.2 miles west of Hines, Ore. (Burns Butte).

2609-01-P-71—United Telephone Co. of the Northwest (KPX70), C.P. to add frequencies 5945.2 and 6033.5 MHz toward Burns Butte, Ore., via passive reflector. Station location: North Alford Avenue and West B Street, Burns, OR.

2639-01-P-71—Southern Pacific Communications Co. (New), C.P. for a new station to be located at Monument Peak, 16 miles southeast of Julian, Calif. Frequencies: 6236.9 and 6404.8 MHz toward Superstition Mountain, Calif. and 6286.2 and 6345.5 MHz toward San Diego, Calif.

2641-01-P-71—Florida Telephone Corp. (KJA65), O.P. to replace transmitter and change frequencies 6004.5 and 6263.9 MHz to 6123.1 and 6352.9 MHz toward St. Cloud, Fla. Station location: 1.4 miles north-northeast of Deer Park, Fla.

2640-01-P-71—Florida Telephone Corp. (KJA64), O.P. to replace transmitter and change frequencies 6123.1 and 6352.9 MHz toward Deer Park, Fla. to 6004.5 and 6263.5 MHz. Station location: 113 Florida Avenue, St. Cloud, Fla.

2643-01-P-71—New York Telephone Co. (KEL91), C.P. to replace transmitter and change frequency 6330.7 MHz to 11,075 MHz toward Paterson, N.J. Station location: 200 Park Avenue, New York, N.Y.

2644-01-P-71—Pacific Northwest Bell Telephone Co. (KOJ03), C.P. to add frequency 4130 MHz toward Bluelight Hill, Wash. Station location: Joe Butte, 7 miles south of Kennewick, Wash.

2645-01-P-71—Pacific Northwest Bell Telephone Co. (KOJ02), O.P. to add frequency 4170 MHz toward Yakima, Wash. Station location: Bluelight Hill, 6 miles northeast of Bickleton, Wash.

2646-01-P-71—The Pacific Telephone & Telegraph Co. (KMA29), C.P. to add frequency 4150 MHz toward East Bay Hills, Calif. Station location: Mount Diablo, 3.6 miles northeast of Diablo, Calif.

2647-01-P-71—The Pacific Telephone and Telegraph Co. (KMC67), O.P. to add frequency 4110 MHz toward Oakland and Mt. Diablo, Calif. Station location: East Bay Hills, 3750 Grizzly Peak Boulevard, Oakland, CA.

2648-01-P-71—The Pacific Telephone and Telegraph Co. (KMQ36), O.P. to add frequency 4150 MHz toward East Bay Hills, Calif. Station location: 1587 Franklin Street, Oakland, CA.

2658-01-P-71—American Telephone and Telegraph Co. (New), C.P. for a new station to be located at 3.7 miles northwest of Jamesburg, Calif. Frequencies: 2128, 11,385, and 11,645 MHz toward Jamesburg, Calif., via passive reflector.

2659-01-P-71—American Telephone and Telegraph Co. (New), C.P. for a new station to be located at 5.8 miles east-northeast of Jamesburg, Calif. (Palo Escribo). Frequencies: 2178, 10,975, and 11,135 MHz toward Jamesburg, Calif., via passive reflector and 2170, 10,775, and 10,935 MHz toward Thompson Valley, Calif.

2660-01-P-71—American Telephone and Telegraph Co. (New), C.P. for a new station to be located at 7.1 miles east-northeast of Camp McCullum, Calif. (Thompson Valley). Frequencies: 2120, 11,345, and 11,605 MHz toward Palo Escribo, Calif., and 4100, 6093.5, and 6152.8 MHz toward Pacheco Pass, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2661-01-P-71—American Telephone and Telegraph Co. (New), C.P. for a new station to be located at 8.8 miles northeast of Bell Station, Pacheco Pass, Calif. Frequencies: 4198, 6345.5, and 6404.8 MHz toward Thompson Valley, Calif., and 4198, 6286.2, and 6404.8 MHz toward Patterson, Calif.

2662-01-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 4.6 miles west-southwest of Patterson, Calif. Frequencies: 4190, 6034.2, and 6152.8 MHz toward Pacheco Pass, Calif., and 4190, 6034.2, and 6152.8 MHz toward Farmington, Calif.

2663-01-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 3.6 miles north-northeast of Farmington, Calif. Frequencies: 4198, 6286.2, and 6404.8 MHz toward Patterson, Calif. and Lodi, Calif.

2664-01-P-71—American Telephone & Telegraph Co. (KXK96), C.P. to add frequency 6034.2 MHz toward Farmington, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.

Major Amendments

1752-01-P-71—New England Telephone and Telegraph Co. (KVH82), Change frequencies to 6256.5 MHz toward Marshfield, Mass., and to 6256.5 MHz toward Fall River, Mass. All other particulars same as reported in public notice dated October 6, 1970.

7572-01-P-70—Northwestern Bell Telephone Co. (KAS33), Change geographic coordinates to read latitude 48°21'01" N., longitude 92°57'42" W. Station location: 12.5 miles east-southeast of Ray, Minn. All other particulars same as reported in public notice dated May 26, 1970, Report No. 493.

7392-01-P-70—Pacific Telephone and Telegraph Co. (New), Change frequency 10755 MHz toward station KNA37, Oat Mountain, Calif., to 11,075 MHz. Station location: 4480 Kester Avenue, Sherman Oaks, CA. All other particulars same as reported in public notice dated May 18, 1970, Report No. 492.

4502-01-P-70—Southern Pacific Communications Co. (New), Seattle. Application is amended to change frequencies toward Tiger Mountain, Wash., to 6034.2 MHz, and toward Tiger Mountain, Wash., to 6152.8 MHz. Change proposed station location to Smith Tower, 506 Second Avenue (latitude 47°36'03" N., longitude 122°19'50" W.) Change azimuth toward Tiger Mountain to 113°25'.

4503-01-P-70—Southern Pacific Communications Co. (New), Tiger Mountain. Application is amended to change frequencies toward Seattle to 6236.9, 6404.8 MHz, and toward Tacoma to 6286.2, 6345.5 MHz. Add frequency 6375.2 MHz toward Mount Crawford. Change azimuth toward Seattle to 293°42'. Add azimuth 221°02' toward Mount Crawford.

4504-01-P-70—Southern Pacific Communications Co. (New), Tacoma. Delete transmission path toward Mount Crawford.

4505-01-P-70—Southern Pacific Communications Co. (New), Mount Crawford. Application is amended to change frequencies toward Chehalis to 5974.8, 6093.5 MHz. Add frequency 6004.5 MHz toward Tiger Mountain. Add azimuth 40°26' toward Tiger Mountain. Delete transmission path toward Tacoma.

4509-01-P-70—Southern Pacific Communications Co. (New), Chehalis. Application is amended to change frequencies toward Mount Crawford to 6236.9, 6404.8 MHz. Add frequencies 6286.2, 6345.5 MHz toward Green Mountain. Add azimuth 109°24' toward Green Mountain. Delete transmission path toward Castle Rock.

4509-01-P-70—Southern Pacific Communications Co. (New), Green Mountain. Application is amended to change frequencies toward Mount Scott, Ore., to 5940.3, 6093.8 MHz. Add frequencies 5974.8, 6093.5 MHz to Chehalis. Add azimuth 349°33' toward Chehalis. Delete transmission path toward Castle Rock.

4509-01-P-70—Southern Pacific Communications Co. (New), Mount Scott. Application is amended to change frequencies toward Green Mountain, Wash., to 6197.2, 6315.9 MHz, and toward Portland to 6236.9, 6404.8 MHz, and toward Prospect Hill to 6236.9, 6404.8 MHz. Change azimuth toward Portland to 310°12' and toward Prospect Hill to 214°03'.

4510-01-P-70—Southern Pacific Communications Co. (New), Portland. Application is amended to change frequencies toward Mount Scott to 5974.8, 6152.8 MHz. Change azimuth toward Mount Scott to 130°07'.

4511-C1-P-70—Southern Pacific Communications Co. (New), Prospect Hill. Application is amended to change frequencies toward Mount Scott to 6034.2, 6093.5 MHz, and toward Albany to 5945.2, 6004.5 MHz, and toward Eugene to 6152.8 MHz. Change azimuth toward Mount Scott to 33°38' and toward Salem to 40°04' and toward Albany to 176°34', and toward Eugene to 180°46'. Transmitter toward Salem changed to Type No. 778F2.

4512-C1-P-70—Southern Pacific Communications Co. (New), Salem. Change azimuth toward Prospect Hill to 220°08'. Transmitter toward Prospect Hill changed to Type No. 778F2.

4513-C1-P-70—Southern Pacific Communications Co. (New), Albany. Application is amended to change frequencies toward Prospect Hill to 6197.2, 6315.9 MHz. Change azimuth toward Prospect Hill to 356°35'.

4514-C1-P-70—Southern Pacific Communications Co. (New), Eugene. Application is amended to change frequencies toward Prospect Hill to 6345.5 MHz, and toward Wolf Mountain to 6286.2 MHz. Change azimuth toward Prospect Hill to 0°45' and toward Wolf Mountain to 124°33'.

4515-C1-P-70—Southern Pacific Communications Co. (New), Wolf Mountain. Application is amended to change frequencies toward Eugene to 6068.8 MHz, and toward Odell Butte to 5945.2, 6004.5 MHz. Change azimuth toward Eugene to 305°11' and toward Odell Butte to 118°45'.

4516-C1-P-70—Southern Pacific Communications Co. (New), Odell Butte. Application is amended to change frequencies toward Wolf Mountain to 6197.2, 6256.5 MHz. Change azimuth toward Wolf Mountain to 298°00' and toward Applegate Butte to 171°00'.

4517-C1-P-70—Southern Pacific Communications Co. (New), Applegate Butte. Change azimuth toward Odell Butte to 352°08' and toward Chiloquin to 228°10'.

4518-C1-P-70—Southern Pacific Communications Co. (New), Chiloquin. Change azimuth toward Applegate Butte to 39°24' and toward Chase Mountain to 191°314. Transmitter toward Chase Mountain changed to Model No. 75A2.

4519-C1-P-70—Southern Pacific Communications Co. (New), Chase Mountain. Application is amended to change frequencies toward Klamath Falls to 6004.5, 6063.8 MHz, and toward Humbug Mountain to 5974.8, 6152.8 MHz. Change azimuth toward Chiloquin to 8°05' and toward Klamath Falls to 54°38' and toward Humbug Mountain to 236°37'. Transmitter toward Chiloquin changed to Model No. 75A2.

4520-C1-P-70—Southern Pacific Communications Co. (New), Klamath Falls. Application is amended to change frequencies toward Chase Mountain to 6197.2, 6345.5 MHz. Change azimuth toward Chase Mountain to 234°47'.

4521-C1-P-70—Southern Pacific Communications Co. (New), Humbug Mountain. Application is amended to change frequencies toward Chase Mountain to 6226.9, 6404.8 MHz, and toward Dunsuir to 6286.2, 6345.5 MHz. Change azimuth toward Chase Mountain to 56°08', and toward Dunsuir to 147°06'. Transmitter toward Dunsuir changed to Model No. 75A2.

4522-C1-P-70—Southern Pacific Communications Co. (New), Dunsuir. Change azimuth toward Humbug Mountain to 329°34', and toward Sugar Loaf Mountain to 204°05'. Transmitter toward Humbug Mountain changed to Model No. 75A2.

4523-C1-P-70—Southern Pacific Communications Co. (New), Sugar Loaf Mountain. Application is amended to change frequencies toward Dunsuir to 6197.2, 6375.2 MHz, and toward Inks Ridge to 6286.2, 6345.5 MHz. Change azimuth toward Dunsuir to 26°15', and toward Inks Ridge to 155°05'.

4524-C1-P-70—Southern Pacific Communications Co. (New), Inks Ridge. Application is amended to change frequencies toward Sugar Loaf Mountain to 5974.8, 6093.5 MHz, and toward Redding to 6004.5, 6123.1 MHz. Change azimuth toward Sugar Loaf Mountain to 335°17', and toward Redding to 315°17', and toward Gerber to 184°17'.

4525-C1-P-70—Southern Pacific Communications Co. (New), Redding. Application is amended to change frequencies toward Inks Ridge to 6256.5, 6375.2 MHz. Change azimuth toward Inks Ridge to 135°06'.

4526-C1-P-70—Southern Pacific Communications Co. (New), Gerber. Application is amended to change frequencies toward Inks Ridge to 6286.2, 6304.8 MHz, and toward Chico to 6301.0 MHz. Change azimuth toward Inks Ridge to 4°16', and toward Chico to 114°13'.

4527-C1-P-70—Southern Pacific Communications Co. (New), Chico. Application is amended to change frequencies toward Gerber to 6049.0 MHz, and toward Gridley to 6093.5 MHz. Change azimuth toward Gerber to 324°30', and toward Gridley to 162°35'.

4528-C1-P-70—Southern Pacific Communications Co. (New), Gridley. Application is amended to change frequencies toward Chico to 6345.5 MHz, and toward Erle to 6226.9 MHz. Change azimuth toward Chico to 342°41', and toward Erle to 151°35'.

4529-C1-P-70—Southern Pacific Communications Co. (New), Erle. Application is amended to change frequencies toward Gridley to 6034.2 MHz, and toward Roseville to 6152.8 MHz. Change azimuth toward Gridley to 331°43', and toward Roseville to 156°58'.

4530-C1-P-70—Southern Pacific Communications Co. (New), Roseville. Application is amended to change frequencies toward Erle to 6404.8 MHz, and toward Sacramento to 11,016, 11,175 MHz. Change azimuth toward Erle to 337°04' and toward Sacramento to 225°13'. Transmitter toward Sacramento changed to Model 76D3.

4531-C1-P-70—Southern Pacific Communications Co. (New), Sacramento. Application is amended to change frequencies toward Roseville to 11,625, 11,305 MHz, and toward Mount Vaca to 6137.9, 6078.6 MHz. Change azimuth toward Roseville to 45°05' and toward Mount Vaca to 249°21'. Transmitters toward Roseville changed to Model No. 76D3.

4532-C1-P-70—Southern Pacific Communications Co. (New), Mount Vaca. Application is amended to change frequencies toward Sacramento to 6212.1, 6330.6 MHz, and toward San Francisco to 6315.9 MHz. Change azimuth toward Sacramento to 68°59', and toward San Francisco to 200°22' and toward Stockton to 124°10'.

4533-C1-P-70—Southern Pacific Communications Co. (New), San Francisco. Application is amended to change frequencies toward Mount Vaca to 6123.1 MHz, and toward Loma Prieta to 6123.1 MHz, and toward Oakland to 11,015, 11,175 MHz. Change azimuth toward Mount Vaca to 20°12' and toward Loma Prieta to 147°08' and toward Oakland to 79°07'. Transmitters toward Oakland changed to Model No. 76D3.

4534-C1-P-70—Southern Pacific Communications Co. (New), Oakland. Application is amended to change frequencies toward San Francisco to 11,625, 11,305 MHz. Change azimuth toward San Francisco to 269°11'. Transmitters toward San Francisco changed to Model No. 76D3.

4535-C1-P-70—Southern Pacific Communications Co. (New), Loma Prieta. Application is amended to change frequencies toward San Francisco to 6375.2 MHz, and toward San Jose to 11,365, 11,545 MHz, and toward Redwood City to 6256.5, 6315.9 MHz. Change azimuth toward San Francisco to 327°28' and toward San Jose to 344°46' and toward Redwood City to 323°21'. Transmitters toward San Jose changed to Model No. 76D3.

4536-C1-P-70—Southern Pacific Communications Co. (New), San Jose. Application is amended to change frequencies toward Loma Prieta to 10,775, 10,935 MHz. Change proposed station location to Newhall Street and S.P. right-of-way. (latitude 37°20'52" N., longitude 121°55'21" W.) Change azimuth toward Loma Prieta to 164°43'. Transmitters toward Loma Prieta changed to Model No. 76D3.

4537-C1-P-70—Southern Pacific Communications Co. (New), Redwood City. Application is amended to change frequencies toward Loma Prieta to 5945.2, 6063.8 MHz. Change azimuth toward Loma Prieta to 143°09'.

4538-C1-P-70—Southern Pacific Communications Co. (New), Stockton. Application is amended to change frequencies toward Mount Vaca to 6167.6 MHz, and toward Tracy to 6034.2, 6152.8 MHz. Change azimuth toward Mount Vaca to 304°41' and toward Tracy to 206°23'.

4539-C1-P-70—Southern Pacific Communications Co. (New), Tracy. Application is amended to change frequencies toward Stockton to 6404.8, 6286.2 MHz, and toward Hatch to 6345.5 MHz. Change azimuth toward Stockton to 26°18' and toward Hatch to 123°44'.

4540-C1-P-70—Southern Pacific Communications Co. (New), Hatch. Application is amended to change frequencies toward Tracy to 6034.2 MHz, and toward Merced to 6152.8 MHz. Change azimuth toward Tracy to 304°01' and toward Merced to 117°34'.

4541-C1-P-70—Southern Pacific Communications Co. (New), Merced. Application is amended to change frequencies toward Hatch to 6404.8 MHz, and toward Berenda to 6286.2 MHz. Change azimuth toward Hatch to 297°53' and toward Berenda to 135°18'.

4542-C1-P-70—Southern Pacific Communications Co. (New), Berenda. Application is amended to change frequencies toward Merced to 6034.2 MHz, and toward Fresno to 6152.8 MHz. Change azimuth toward Merced to 315°23' and toward Fresno to 136°23'.

4543-C1-P-70—Southern Pacific Communications Co. (New), Fresno. Application is amended to change frequencies toward Berenda to 6345.5 MHz, and toward Trauer to 6236.2 MHz. Change azimuth toward Berenda to 316°34' and toward Trauer to 133°41'.

- 4544-O1-P-70—Southern Pacific Communications Co. (New), Trauer. Application is amended to change frequencies toward Fresno to 6123.1 MHz, and toward Tipton to 6004.5 MHz. Change azimuth toward Fresno to 318°54' and toward Tipton to 160°24'.
- 4545-O1-P-70—Southern Pacific Communications Co. (New), Tipton. Application is amended to change frequencies toward Trauer to 6256.5 MHz, and toward Famoso to 6286.2 MHz. Change azimuth toward Trauer to 340°30' and toward Famoso to 169°25'.
- 4546-O1-P-70—Southern Pacific Communications Co. (New), Famoso. Application is amended to change frequencies toward Tipton to 6034.2 MHz, and toward Pampa Peak to 5974.8, 6152.8 MHz. Change azimuth toward Tipton to 349°29' and toward Pampa Peak to 120°50'.
- 4547-O1-P-70—Southern Pacific Communications Co. (New), Pampa Peak. Application is amended to change frequencies toward Famoso to 6404.8, 6286.2 MHz, and toward Bakersfield to 6107.2, 6256.5 MHz, and toward Oak Creek Pass to 6404.8, 6286.2 MHz. Change azimuth toward Famoso to 301°07' and toward Bakersfield to 272°47' and toward Oak Creek Pass to 137°00'.
- 4548-O1-P-70—Southern Pacific Communications Co. (New), Bakersfield. Application is amended to change frequencies toward Pampa Peak to 5945.2, 6004.5 MHz. Change azimuth toward Pampa Peak to 92°37'.
- 4549-O1-P-70—Southern Pacific Communications Co. (New), Oak Creek Pass. Application is amended to change frequencies toward Pampa Peak to 6034.2, 6152.8 MHz, and toward Lancaster to 6034.2, 6152.8 MHz. Change azimuth toward Pampa Peak to 317°12' and toward Lancaster to 151°04'.
- 4550-O1-P-70—Southern Pacific Communications Co. (New), Lancaster. Application is amended to change frequencies toward Oak Creek Pass to 6404.8, 6286.2 MHz, and toward Holiday Hill to 6404.8, 6286.2 MHz. Change azimuth toward Oak Creek Pass to 331°12' and toward Holiday Hill to 132°13'.
- 6434-O1-P-70—Southern Pacific Communications Co. (New), Holiday Hill. Application is amended to change frequencies toward Lancaster to 6034.2, 6093.5 MHz, and toward Running Springs to 6004.5, 6123.1 MHz, and toward Los Angeles to 6004.5, 6123.1 MHz. Change azimuth toward Lancaster to 312°29' and toward Running Springs to 109°43' and toward Los Angeles to 237°25'. Transmitters toward Running Springs changed to Model No. 75A2.
- 6435-O1-P-70—Southern Pacific Communications Co. (New), Los Angeles. Application is amended to change frequencies toward Holiday Hill to 6256.5, 6375.2 MHz, and toward Long Beach to 11585, 11265 MHz. Change azimuth toward Holiday Hill to 57°00', and toward Long Beach to 172°34'. Transmitter toward Long Beach changed to Model No. 76D3.
- 6436-O1-P-70—Southern Pacific Communications Co. (New), White Water Hill. Application is amended to change frequencies toward Beaumont to 6236.9, 6286.2 MHz, and toward Beaumont to 11405, 11625 MHz, and toward Indio to 11386, 11545 MHz. Added Model 76D1 transmitters toward Beaumont. Transmitters toward Indio changed to Model No. 75D1.
- 6490-O1-P-70—Southern Pacific Communications Co. (New), Indio. Application is amended to change frequencies toward White Water Hill to 10776, 10935 MHz, and toward Cactus to 10775, 10935 MHz. Change azimuth toward Cactus to 108°40'. All transmitters at this location changed to Model No. 76D1.
- 6490-O1-P-70—Southern Pacific Communications Co. (New), Cactus. Application is amended to change frequencies toward Indio to 11385, 11545 MHz, and toward Superstition Hills to 6286.2, 6345.5 MHz. Change proposed station location to 2 miles southwest of Cactus City (latitude 33°39'18" N, longitude 116°59'00" W). (This site replaces one near Salton, Calif.) Change azimuth toward Indio to 288°50' and toward Superstition Hills to 167°37'. Transmitters toward Indio changed to Model No. 76D1.
- 6498-O1-P-70—Southern Pacific Communications Co. (New), Superstition Hills. Application is amended to change frequencies toward Cactus to 6034.2, 6093.5 MHz. Add frequencies 5974.8 and 6152.8 toward new station at Monument Peak. Change azimuth toward Cactus to 347°43'. Add azimuth 204°23' toward Monument Peak. Our proposed system between Los Angeles and East St. Louis, Ill. (now on file), breaks off at this station toward El Centro and east. Stations between Superstition Hills and Los Angeles are common to both systems.
- 4553-O1-P-70—Southern Pacific Communications Co. (New), Long Beach. Application is amended to change frequencies toward Los Angeles to 10905, 11055 MHz. Change azimuth toward Los Angeles to 353°30'. Transmitter toward Los Angeles changed to Model No. 76D3.

- 4558-O1-P-70—Southern Pacific Communications Co. (New), San Diego. Application is amended to change frequencies toward Monument Peak to 6034.2, 6093.5 MHz. Change proposed station location to (latitude 32°42'20" N). Change azimuth toward Monument Peak to 72°57'. Transmitters toward Monument Peak changed to Model No. 76A2.
- 6493-O1-P-70—Southern Pacific Communications Co. (New), Running Springs. Application is amended to change frequencies toward Holiday Hill to 6256.5, 6375.2 MHz, and toward Beaumont to 11265, 11425 MHz, and toward San Bernardino to 11305, 11465 MHz. Change azimuth toward Holiday Hill to 289°02' and toward San Bernardino to 242°25'. Delete transmission path to Santiago Peak. Transmitters toward Holiday Hill changed to Model No. 75A2, toward Beaumont changed to Model No. 76O1, and toward San Bernardino changed to 76D3.
- 4555-O1-P-70—Southern Pacific Communications Co. (New), San Bernardino. Application is amended to change frequencies toward Running Springs to 10855, 11175 MHz. Change azimuth toward Running Springs to 62°19'. Transmitters toward Running Springs changed to Model No. 76D3.
- 6492-O1-P-70—Southern Pacific Communications Co. (New), Beaumont. Application is amended to change frequencies toward White Water Hill to 5974.8, 6034.2 MHz, and toward White Water Hill to 10855, 11015 MHz, and toward Running Springs to 10735, 11055 MHz. Change azimuth toward White Water Hill to 90°47'. Added Model 76D1 transmitters toward White Water Hill. Transmitters toward Running Springs changed to 75D1. All other particulars same as previously reported in public notices dated February 16, 1970, and April 27, 1970. Reports Nos. 470 and 480.
- POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)
- 2275-O1-ML-71—West Texas Microwave Co. (KZ125). Modification of License to transmit, via audio subcarrier, the signal of the Interstate Broadcasting Co. (IBO) of Dallas, Tex., to IBO affiliates KRAN (AM), Morton; KZOL (AM), Farwell; and KLVY (AM), Levelland; all in the State of Texas.
- 2912-O1-MP-71—New York-Penn Microwave Corp. (KZA86). Modification of C.P. to change frequencies to 6375.2 and 6404.8 MHz on azimuth 87°02'. Location: Tyrone Mountain, 6 miles northwest of Tyrone, Pa.
- 2913-O1-MP-71—New York-Penn Microwave Corp. (WDD75). Modification of C.P. File No. 2419-O1-P-70 as follows: Change location to 0.8 mile north of town of Dupont, Pa., at latitude 41°19'54" N, longitude 76°44'10" W. Frequency 11,555 MHz on azimuth 214°35' toward Penobscot Mountain, Pa.
- 2914-O1-MP-71—New York-Penn Microwave Corp. (WDD78). Modification of C.P. to change location of station to Shade Mountain, 3.5 miles southeast of Beaver Springs, Pa., at latitude 40°43'40" N, longitude 77°09'52" W. No change in frequencies or points of communication.
- 2915-O1-MP-71—New York-Penn Microwave Corp. (WDD79). Modification of C.P. to change location of station to Little Flat Tower, 2.2 miles southeast of Bonifant, Pa., at latitude 40°45'11" N, longitude 77°45'18" W. Frequencies 5945.2 and 6152.8 MHz on azimuth 267°25', 6004.5, 6034.2, and 6123.1 MHz on azimuth 95°53' and 11,055 MHz on azimuth 303°30'.
- 2916-O1-MP-71—New York-Penn Microwave Corp. (VDD84). Modification of C.P. to change location of receiving site to latitude 40°29'39" N, longitude 79°57'12" W. In Pittsburgh, Pa. Frequency 11,055 MHz on azimuth 257°38'. Location: 4802 Fifth Avenue, Pittsburgh, Pa. at latitude 40°29'44" N, longitude 79°59'42" W.
- 2917-O1-MP-71—New York-Penn Microwave Corp. (VDD87). Modification of C.P. to change frequency 6404.8 MHz on azimuth 206°33' and to 6301.0 MHz on azimuth 130°54'. Location: Pekin Point, 6 miles west-northwest of Clymer, N.Y.
- 2918-O1-MP-71—New York-Penn Microwave Corp. (VDD88). Modification of C.P. to change frequency to 6152.8 MHz on azimuth 88°20'. Location: 5.5 miles south of Erie, Pa. at latitude 42°02'31" N, longitude 80°03'57" W.
- 2919-O1-P-71—Frank K. Spahn, doing business as Microwave Service Co. (New). C.P. for a new station to be located at 4.4 miles east of Modjeska, Calif. Frequencies: 10,755 and 10,815 MHz toward Snow Peak, on azimuth 63°15'.
- (Informative: Applicant proposes to establish a new off-the-air pickup point for the

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

signals of KNBC-TV and KCET-TV of Los Angeles, Calif. for delivery to their subscribers in Yucca Valley, Twentynine Palms, Desert Hot Springs, Palm Springs, Rancho Mirage, Palm Desert, Indio, and Thousand Palms; all in California.)

2649-C1-P-71—American Microwave & Communications, Inc. (KQM44), C.P. to replace transmitters and change frequencies 6325 and 6415 MHz to 6160.2 and 6100.9 MHz toward Elmira, Mich., on azimuth 356°07' and to power split frequency 6160.2 MHz toward Mount Tom, Mich., on azimuth 70°04' and also toward a new point of communication at Kalkaska, Mich., on azimuth 311°30'. Location: 7 miles southwest of Grayling, Mich., at latitude 44°34'41" N., longitude 87°47'44" W.

(Informative: Applicant proposes to provide the television signal of station WJRT-TV of Flint, Mich., to Northern Entertainment, Inc.; the proposed operator of a new UHF television broadcast station at Traverse City, Mich., and to improve the quality of signal which is presently received off-the-air at Mount Tom, Mich.)

[F.R. Doc. 70-16007; Filed, Dec. 1, 1970; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 8 (Rev. 4)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Sign Agreements as to Liability for Personal Holding Company Tax

1. The authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.547-2 to enter into agreements relating to liability for personal holding company tax, is hereby delegated to the following officials:

- (a) Assistant Regional Commissioners (appellate),
- (b) Chiefs, Appellate Branch Offices,
- (c) Associate Chiefs, Appellate Branch Offices,
- (d) Assistant Chiefs, Appellate Branch Offices,
- (e) Conferee-Special Assistants, Appellate Branch Offices,
- (f) Director of International Operations,
- (g) Assistant District Directors, and
- (h) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; and to Revenue Agents (reviewers or conferees) not lower than GS-11.

3. This order supersedes Delegation Order No. 8 (Rev. 3), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16136; Filed, Dec. 1, 1970; 8:49 a.m.]

[Order No. 35 (Rev. 5)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Agreements as Determinations

1. Pursuant to the authority granted to the Commissioner of Internal Revenue

and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.1313(a)-4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials:

- (a) Assistant Regional Commissioners (Appellate),
- (b) Chiefs, Appellate Branch Offices,
- (c) Associate Chiefs, Appellate Branch Offices,
- (d) Assistant Chiefs, Appellate Branch Offices,
- (e) Conferee-Special Assistants, Appellate Branch Offices,
- (f) Director of International Operations,
- (g) Assistant District Directors, and
- (h) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS-9 for office audit cases.

3. This order supersedes Delegation Order No. 35 (Rev. 4), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16137; Filed, Dec. 1, 1970; 8:49 a.m.]

[Delegation Order No. 66 (Rev. 4); Chief Counsel's Order No. 1958-11 (Rev. 4)]

REGIONAL COMMISSIONERS ET AL.

Authorities of Regional Appellate Division and of Regional Counsel in Protested Cases and in Tax Court Cases

Pursuant to the authority vested in the undersigned, it is ordered that:

1. (a) In each case in which a taxpayer does not agree to the determination of liability made by the office of a District Director of Internal Revenue or by the office of the Director of Interna-

tional Operations and requests consideration by the Regional Appellate Division, the Regional Commissioner is authorized exclusively to represent the Commissioner in the determination of liability for (1) income, profits, estate, gift, and Chapter 42 (I.R.C. 1954) excise tax in cases not docketed in the U.S. Tax Court, whether before or after issuance of a statutory notice, and (2) the other excise and employment taxes designated in paragraph 5 of this order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Chief, Associate Chief, Assistant Chief, and Conferee Special Assistant, Appellate Branch Office, is authorized to represent the Regional Commissioner in the determination of tax liability in any such case.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and, except as provided in paragraph 4, they may not be redelegated.

2. (a) In each income, profits, estate, gift, and Chapter 42 excise tax case docketed in the Tax Court, in conformity with the provisions of Delegation Order No. 60—Chief Counsel's Order No. 1958-5, dated April 17, 1958, the Regional Commissioner is authorized exclusively to represent the Commissioner in the functions delegated to the Regional Appellate Division in that joint Order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Chief, Associate Chief, Assistant Chief, and Conferee-Special Assistant, Appellate Branch Office, is authorized to represent the Regional Commissioner in the performance of those functions.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and they may not be redelegated.

3. The authorities delegated by this order to the Regional Commissioners do not include authority to:

(a) Eliminate the ad valorem fraud penalty in any case in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the Regional Counsel; nor

(b) Act in any case in which a recommendation for criminal prosecution is pending, except with the concurrence of the Regional Counsel.

4. In any case not docketed in the Tax Court in which a statutory notice was issued by the office of a District Director, the Assistant Regional Commissioner (Appellate) may relinquish the jurisdiction of the Appellate Division by waiver to the office of that District Director.

Similarly, the Assistant Regional Commissioner (Appellate) for the region which includes Washington, D.C., may relinquish the jurisdiction of the Appellate Division by waiver to the office of the Director of International Operations in any case in which the office of that Director issued the statutory notice. No such waiver shall be made in any case in which criminal prosecution has been recommended and not finally disposed of; nor in any case in which the determination in the statutory notice includes the ad valorem fraud penalty. Notwithstanding any such waiver, upon filing of a petition with the Tax Court, jurisdiction shall revert in the Appellate Division.

5. The excise and employment taxes subject to the provisions of this order include any Federal excise or employment tax:

(a) Under the Internal Revenue Code of 1939, except any tax imposed by:

- (1) Chapters 8, 15, 23, 26, or 27A;
- (2) Subchapter B of Chapter 25;
- (3) Parts V, VI, VII, or VIII of Subchapter A of Chapter 27;
- (4) Subchapter B of Chapter 28, insofar as it relates to liquor and tobacco; or

(5) Chapter 9A, insofar as it relates to distilled spirits, wines, cordials, or fermented malt liquors.

(b) Under the Internal Revenue Code of 1954, except any tax imposed by:

- (1) Chapter 35 of Subtitle D;
- (2) Subchapter A, Chapter 39 of Subtitle D;
- (3) Subtitle E; or
- (4) Subchapter D, Chapter 78 of Subtitle F, insofar as it relates to liquor and tobacco.

6. (a) The authority to determine tax liability under this order includes the authority to make and subscribe to a return under the provisions of section 6020 of the Internal Revenue Code of 1954.

(b) The authority delegated in subparagraph (a) of this paragraph may be redelegated to Appellate Conferees.

7. (a) In the performance of his functions under this order, each Regional Counsel shall be subject to the general supervision and control of the Chief Counsel. With the approval of the Chief Counsel, Regional Counsel may redelegate any function by this order vested in Regional Counsel.

(b) The Regional Counsel will consider all memoranda prepared in the Regional Appellate Division recommending the issuance of statutory notices, prior to the issuance of such statutory notices by the Regional Appellate Division.

8. The instructions contained in this order are intended to supplement the instructions contained in Delegation Order No. 60—Chief Counsel's Order No. 1958-5, dated April 17, 1958, and supersede other prior instructions to the extent that such other prior instructions are inconsistent herewith.

9. This order supersedes Delegation Order No. 66, (Rev. 3), Chief Counsel's Order No. 1958-11 (Rev. 3), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16138; Filed, Dec. 1, 1970;
8:49 a.m.]

[Order No. 75 (Rev. 5)]

ASSISTANT REGIONAL COMMISSIONER (APPELLATE) ET AL.

Authority of Regional Appellate Division in Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25, dated June 1, 1953, as amended by Order No. 180, dated November 17, 1953, and Order No. 150-36, dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief, Associate Chief, Assistant Chief, and Conferee-Special Assistant, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based in whole or in part on doubt as to liability.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) pursuant to paragraph 1 above will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is \$100,000 or more.

3. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco, or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegations.

4. This order supersedes Delegation Order No. 75 (Rev. 4), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16139; Filed Dec. 1, 1970;
8:49 a.m.]

[Order No. 77 (Rev. 4)]

CHIEFS, APPELLATE BRANCH OFFICES ET AL.

Authority To Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701-9, 26 CFR 301.6212-1, and 26 CFR 301.6861-1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

- (a) Chiefs, Appellate Branch Offices,
- (b) Associate Chiefs, Appellate Branch Offices,
- (c) Assistant Chiefs, Appellate Branch Offices,
- (d) Conferee-Special Assistants, Appellate Branch Offices,
- (e) Director of International Operations,
- (f) Assistant District Directors, and
- (g) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS-9 for office audit cases.

3. This order supersedes Delegation Order No. 77 (Rev. 3), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16140; Filed, Dec. 1, 1970;
8:49 a.m.]

[Order No. 93 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Consent to a Redetermination of Aggregations

1. The authority vested in the Commissioner of Internal Revenue as prescribed in 26 CFR 1.614-2(d) (5) and 26 CFR 1.614-3(f) (8) is hereby delegated to Assistant Regional Commissioners (Appellate); Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices; District Directors; and Chiefs, District Audit Divisions to:

Consent to the reforming of aggregations by a taxpayer where the taxpayer has formed invalid basic aggregations or made invalid additions to valid or invalid basic aggregations, and

Consent, in the case of oil and gas wells where an invalid aggregation has been

formed under section 614(b), to the treatment by a taxpayer of all the properties included in the aggregation, which fall within a single operating unit, under the provisions of section 614(d) rather than section 614(b) of the 1954 Code if so requested by the taxpayer.

2. In the case of oil and gas wells this delegation order shall apply only to taxable years subject to the 1954 Code beginning before January 1, 1964.

3. The authority delegated herein may not be redelegated.

4. This order supersedes Delegation Order No. 93 (Rev. 2), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16141; Filed, Dec. 1, 1970;
8:49 a.m.]

[Order No. 97 (Rev. 9)]

ASSISTANT COMMISSIONER (COMPLIANCE) ET AL.

Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32, dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954 [C.B. 1954-2, 733]:

1. The Assistant Commissioner (compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods or relating to the performance of his functions as the competent authority in the administration

of the operating provisions of the tax conventions of the United States.

4. Regional Commissioners; Assistant Regional Commissioners (appellate); Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the U.S. Tax Court) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners; Assistant Regional Commissioners (appellate); Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the U.S. Tax Court to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, and under Revenue Procedure 69-13, C.B. 1969-1, 402, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated, except that the Assistant Commissioner (technical) may redelegate the authority contained in

paragraph 2 to the Deputy Assistant Commissioner (technical) and to the technical advisors on the staff of the Assistant Commissioner (technical) for cases that do not involve precedent issues.

10. Delegation Order No. 97 (Rev. 8), issued June 26, 1970 [I.R.B. 1970-32, 221, is hereby superseded.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16142; Filed, Dec. 1, 1970;
8:49 a.m.]

[Order No. 107 (Rev. 2)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Determine That Certain Institutions Do Not Intend To Avoid Taxes

Authority to determine that certain "savings institutions" do not intend to avoid taxes by paying dividends or interest for periods representing more than 12 months.

1. The authority granted to the Commissioner of Internal Revenue under 26 CFR 1.461-1(e) (3) (ii) to determine that an organization referred to therein does not intend to avoid taxes (and therefore be permitted to deduct one-tenth of the amount of dividends or interest not allowed as a deduction for a taxable year under 26 CFR 1.461-1(e) (1) in each of 10 succeeding taxable years) is hereby delegated to the following officials:

- (a) Assistant Regional Commissioners (appellate),
- (b) District Directors,
- (c) Director of International Operations,
- (d) Chiefs, Appellate Branch Offices,
- (e) Associate Chiefs, Appellate Branch Offices,
- (f) Assistant Chiefs, Appellate Branch Offices,
- (g) Conferee-Special Assistants, Appellate Branch Offices,
- (h) Assistant District Directors, and
- (i) Chiefs of District Audit Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established) and Chief of Conference Staff.

3. This order supersedes Delegation Order No. 107 (Rev. 1), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16143; Filed, Dec. 1, 1970;
8:49 a.m.]

[Order No. 109 (Rev. 2)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.**Authority To Sign Agreements Determining Inapplicability of Exclusion**

1. The authority granted to the Commissioner of Internal Revenue and to District Directors by 26 CFR 301.7701-9 and 26 CFR 1.963-6(c) to sign agreements determining that the exclusion under section 963 of the Internal Revenue Code of 1954 does not apply to U.S. shareholders for certain taxable periods due to their failure to receive minimum distributions is hereby delegated to the following officials:

- (a) Assistant Regional Commissioners (appellate),
- (b) District Directors,
- (c) Director of International Operations,
- (d) Chiefs, Appellate Branch Offices,
- (e) Associate Chiefs, Appellate Branch Offices,
- (f) Assistant Chiefs, Appellate Branch Offices,
- (g) Conferee-Special Assistants, Appellate Branch Offices,
- (h) Assistant District Directors,
- (i) Assistant Director of International Operations,
- (j) Chiefs of District Audit Divisions, and
- (k) Chief of Audit Division, Office of International Operations.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established) and Chief of Conference Staff.

3. This order supersedes Delegation Order No. 109 (Rev. 1), issued October 20, 1969.

Date of issue: November 23, 1970.

Effective date: November 23, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-16144; Filed, Dec. 1, 1970;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[R-3344]

CALIFORNIA**Notice of Classification of Public Lands for Multiple-Use Management**

NOVEMBER 23, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2460, the public lands in paragraph 4 are classified for multiple-use management.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43

U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. Comments received following publication of the notice of proposed classification (F.R. 35-14567) on September 17, 1970 and after the hearing held in Escondido on October 14, 1970, were generally favorable. There are no changes in the classification from the proposed classification.

4. The following described lands located within San Diego County are classified for multiple-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 10 S., R. 1 W.,
Sec. 24, lots 1 and 2.
- T. 11 S., R. 1 W.,
Sec. 1, lots 3 and 4, S $\frac{1}{2}$;
Sec. 11, lots 2, 3, 7, 10, 15, and 16;
Sec. 12, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, lots 11, 12, 13, and 14;
Sec. 29, lot 14;
Sec. 31, lot 6;
Sec. 32, lots 8, 9, 11, 12, and 13.
- T. 12 S., R. 1 W.,
Sec. 2, lot 7;
Sec. 6, lot 7;
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 25, lots 1, 2, 3, 4, 5, 6, and 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
- T. 13 S., R. 1 W.,
Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, lots 9, 10, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, and 32;
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 14 S., R. 1 W.,
Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 2, lot 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 3, lots 3 and 4;
Sec. 11, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 9 S., R. 2 W.,
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 6, lots 2, 3, 5, and 6;
Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (except patented mineral survey 6452);
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (except patented mineral survey 6458), SE $\frac{1}{4}$ SE $\frac{1}{4}$ (except patented mineral surveys 4886, 4926, and 6458);
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ (except patented mineral surveys 4886, 4926, and 6458).
- T. 10 S., R. 2 W.,
Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 11 S., R. 2 W.,
Sec. 19, lots 4, 5, and 8.
- T. 12 S., R. 2 W.,
Sec. 31, lot 8.
- T. 13 S., R. 2 W.,
Sec. 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 9 S., R. 3 W.,
Sec. 3, lot 4;
Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 10 S., R. 3 W.,
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 11 S., R. 3 W.,
Sec. 9, lots 9 and 16.
- T. 13 S., R. 3 W.,
Sec. 1, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 9 S., R. 1 E.,
Sec. 2, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 11 S., R. 1 E.,
Sec. 2, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 3, lots 1, 2, and 3;
Sec. 4, lots 2, 3, 4, 5, and 9, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 6, lots 4, 5, 6, and 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, and 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, lots 1, 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 9, lot 1;
Sec. 17, lots 1, 2, and 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18, lot 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 12 S., R. 1 E.,
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 30, lots 2, 3, and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 31, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 13 S., R. 1 E.,
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, lots 6 and 7;
Sec. 6, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, NE $\frac{1}{4}$;
Sec. 35, lots 3, 5, and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 14 S., R. 1 E.,
Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, lots 1, 2, 3, and 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, lots 5, 6, 7, 8, 9, 10, and 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, lots 2, 3, 4, 5, 6, 7, 8, 9, and 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, lots 1, 2, 3, 4, 5, and 6, Tract 54;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, and 8.
- T. 15 S., R. 1 E.,
Sec. 1, lot 1, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 3, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, lot 1, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (except patented mineral survey 6358).
- T. 16 S., R. 1 E.,
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, lots 8, 10, 15, and 16;
Sec. 34, lots 11, 17, 18, and 19;
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 9 S., R. 2 E.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Sec. 4, lots 1, 2, 3, 4, 8, 9, 15, and 16;
Sec. 5, lots 1, 2, 7, 8, and 9;
Sec. 8, lots 2, 3, 4, 6, 7, 9, 10, and 11;
Sec. 9, lots 8 and 12;
Sec. 10, lots 1, 2, 3, 4, 5, and E $\frac{1}{2}$ lot 16;
Sec. 11, lots 1, 4, 7, 8, 12, 13, and 14;
Sec. 12, lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 13;
Sec. 14, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16;
Sec. 15, lot 8;
Sec. 16, lot 15;

Sec. 21, lot 13;
 Sec. 23, lots 1, 2, 3, 6, 7, and 8;
 Sec. 24, lots 1, 2, 4, 6, 7, and 8;
 Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12;
 Sec. 26, lots 9, 15, and 16;
 Sec. 28, lot 2.
 T. 10 S., R. 2 E.,
 Sec. 1, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, lot 1;
 Sec. 12, N $\frac{1}{2}$.
 T. 11 S., R. 2 E.,
 Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 12 S., R. 2 E.,
 Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 13 S., R. 2 E.,
 Sec. 7, lots 1 and 2;
 Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 19, lots 6, 7, and 8, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 20, lots 1, 2, 3, 4, and 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, lots 2, 3, and 4, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 29, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 14 S., R. 2 E.,
 Sec. 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lots 5, 6, 10, 11, 12, 15, 17, 18, 21, and 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, SW $\frac{1}{4}$;
 Sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 19, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 16 S., R. 2 E.,
 Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 9 S., R. 3 E.,
 Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 4, lots 7, 8, 9, 10, 11, and 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 5;
 Sec. 6, lots 8, 9, and 13;
 Sec. 7, lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;
 Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, lots 3, 4, 5, 6, 7, 8, 9, and 10;
 Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, lots 1, 2, 3, 4, 5, 6, and 7, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$;
 Sec. 18, lots 5, 6, 7, and 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 19, lots 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15;
 Sec. 20, lots 1, 2, 3, 4, 5, 6, and 7, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 21;
 Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 24, lot 1;
 Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 11 S., R. 4 E.,
 Secs. 1 and 2;
 Sec. 10, lots 1, 2, 3, and 4, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, lots 1, 2, 3, 4, 5, and 6, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21;
 Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, W $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 12 S., R. 4 E.,
 Sec. 1, lots 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 2, lots 1, 2, 3, 4, and 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, lots 2 and 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 12;
 Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, portion unpatented mineral survey 6089 in SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ (except patented mineral surveys 6089 and 6563);
 Sec. 34, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 35, lot 4, W $\frac{1}{2}$ W $\frac{1}{2}$.
 T. 13 S., R. 4 E.,
 Sec. 1, lots 6 and 9;
 Sec. 2, lots 3 and 4, lot 5 of NW $\frac{1}{4}$, W $\frac{1}{2}$ lot 6 of NW $\frac{1}{4}$, lot 8, unpatented Sulper Spring mining claim in SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 3, lots 1 and 2, E $\frac{1}{2}$ lots 3 and 4 of NE $\frac{1}{4}$, lot 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ (except patented mineral survey 6142-A), SW $\frac{1}{4}$ (except patented mineral survey 6142-A);
 Sec. 4, lot 1 (except patented mineral surveys 1780, 6100 and 6563), lot 2, lot 4 (except patented mineral surveys 1780, 6100 and 6563), lot 5 (except patented mineral survey 6563), lot 6, lot 7 (except patented mineral surveys 6100, 6142-A and 6563), lot 8 (except patented mineral survey 6142-A), lots 10, 11, and 12;
 Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10;
 Sec. 11, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, lots 3 and 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 13;
 Sec. 14 (except patented mineral surveys 242 and 5737);
 Sec. 15, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, portions of unpatented Copper Butte and Red Hill mining claims in NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$;
 Sec. 24.
 T. 14 S., R. 4 E.,
 Sec. 1, lot 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 11 S., R. 5 E.,
 Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 13 S., R. 5 E.,
 Sec. 18, lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The lands described above aggregate approximately 45,645 acres.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior (43 CFR 2461.3).

J. R. PENNY,
 State Director.

[F.R. Doc. 70-16086; Filed, Dec. 1, 1970;
 8:45 a.m.]

[New Mexico 12480]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 24, 1970.

F.R. Doc. 70-14089 which appeared in the FEDERAL REGISTER issue of October 20, 1970 at page 16383, is hereby corrected as follows:

A part of the land description for Red River Winter Sports Site under T. 29 N., R. 14 E., is changed from, "Sec. 35, lot 9 and SE $\frac{1}{4}$ " to "Sec. 35, lots 8, 9, and SE $\frac{1}{4}$ ".

MICHAEL T. SOLAN,
 Land Office Manager.

[F.R. Doc. 70-16087; Filed, Dec. 1, 1970;
 8:45 a.m.]

[U4342]

UTAH

Notice of Modification of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Group 2400, paragraph 3 of the classification for multiple-use management for Juab County, U4342, published in the FEDERAL REGISTER of March 28, 1968 (35 F.R. 5110) is modified as follows:

Publication of this notice has the effect of segregating the public lands described below from entry or location under the general mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws. It does not otherwise affect the existing classification, and it will not affect valid existing rights.

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 11 W.,
 Sec. 6, all;
 Sec. 7, N $\frac{1}{2}$.
 T. 11 S., R. 12 W.,
 Sec. 1, all;
 Sec. 12, N $\frac{1}{2}$.
 T. 13 S., R. 11 W.,
 Sec. 8, E $\frac{1}{2}$;
 Sec. 9, all;
 Sec. 15, W $\frac{1}{2}$;
 Sec. 17, E $\frac{1}{2}$.

The areas described contain 3,674 acres.

2. The purpose of this modification is to protect for general public use and enjoyment popular "rockhounding" areas.

3. Enthusiastic response was received following publication of a notice of proposed modification of classification in the FEDERAL REGISTER of September 27, 1970 (35 F.R. 14573) from more than 1,700 individuals, all but one of them favorable to the proposal. All comments were carefully considered in the light of the law and regulations, and it was determined that no change in the proposed modification of the classification is warranted.

4. Maps depicting these lands and the record showing comments received and other information are on file and may be viewed at the Bureau of Land Management State Office, Federal Building, 125 South State Street, Salt Lake City, UT.

5. For a period of 30 days from date of publication of this notice of classification in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. During this 30-day period, interested parties may

R. D. NIELSON,
State Director.

[Serial Number U12307]

Notice of Classification of Public Lands for Multiple-Use Management

3. The public domain lands hereby classified are those administered by the Bureau of Land Management within the following described area in the northern part of San Juan County, Utah:

[illegible]

4. Publication of this notice also has the effect of segregating the proposed recreation, archeological, and study areas described below from all forms of appropriation, selection, location, and entry under the public land laws, including the general mining laws, but not the mineral leasing laws:

T. 31 S., R. 18 E.,
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 32 S., R. 18 E.,
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (unsurveyed);
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ (SW $\frac{1}{4}$). SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (unsurveyed);
Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (unsurveyed).
T. 33 S., R. 18 E.,
Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (unsurveyed);
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ (unsurveyed).

T. 33 S., R. 19 E.,
Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ (unsurveyed).

The areas described above aggregate 1,720 acres.

DARK CANYON AREA

Beginning at a point where the Colorado River crosses the north section line of sec. 22, T. 31 S., R. 17 E.; thence southwesterly along the Colorado River and the east shore of Lake Powell to the south rim of Dark Canyon in sec. 19, T. 33 S., R. 16 E.; thence southerly and easterly along the south rim of Dark Canyon, Lost Canyon, and Black Steer Canyon to the Manti-LaSal National Forest boundary in sec. 14, T. 34 S., R. 17 E.; thence northeasterly along the Manti-LaSal National Forest boundary to the north rim of the Dark Canyon; on the north section line of sec. 12, T. 34 S., R. 17 E.; thence westerly and northerly following generally along the main rim of the Dark Canyon Plateau around Young's Canyon, Lean-To Canyon, Bowdler Canyon, and Gypsum Canyon to the north quarter corner of sec. 29, T. 31 S., R. 18 E., which point is on the south boundary of Canyonlands National Park, thence west along the south boundary of Canyonlands National Park 4 miles to the north quarter corner of sec. 27, T. 31 S., R. 17 E.; thence north approximately 1 mile to the point of beginning. The Dark Canyon area described aggregates approximately 74,317 acres, of which 17,069 acres are within the proposed Glen Canyon National Recreation Area.

BRIDGER JACK MESA

Those portions of the sections listed below which lie above the main Bridger Jack Mesa rim:

T. 31 S., R. 21 E.,
Secs. 15, 22, 23, 26, 27, 33, and 34.

T. 32 S., R. 20 E.,
Sec. 25.

T. 32 S., R. 21 E.,
Secs. 3, 4, 5, 8, 9, 10, 15 to 21, inclusive,
29, 30, and 31.

The Bridger Jack Mesa area described aggregates approximately 6,290 acres.

5. The public lands in the Dark Canyon area, described in paragraph 4 above, are hereby designated as a primitive area by virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple-Use Act, supra, and R.S. 2478 (43 U.S.C. 1201) as amended, and pursuant to the provisions of 43 CFR Part 2070.

6. Maps depicting these lands and the record showing the comments received and other information are on file and may be viewed at the Bureau of Land Management District Office, 284 South First West Street, Monticello, UT; and the State Office, Federal Building, 125 South State Street, Salt Lake City, UT.

7. For a period of 30 days from date of publication of this notice of classification in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3. During this 30-day period, interested parties may submit comment to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-16089; Filed, Dec. 1, 1970;
8:45 a.m.]

[Serial Nos. N-892-A, N-1005-A]

NEVADA

Proposed Amendment to Final Classification of Public Lands for Multiple-Use Management; Correction

NOVEMBER 24, 1970.

In F.R. Doc. 70-14203 appearing on pages 16482-16485 in the issue for Thursday, October 22, 1970, the sixth line from the top in column 1 on page 16483, now reading "Sec. 9, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$," should read "Sec. 9, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;"

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-16134; Filed, Dec. 1, 1970;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

BATTELLE-NORTHWEST

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00607-65-46040. Applicant: Battelle-Northwest, Post Office Box 999, Richland, WA 99352. Article: Electron microscope, Model JEM-1000. Manufacturer: Japan Electron Optical Laboratory, Japan.

Intended use of article: The article will be used for research concerning dislocations in metals; massive structures, examination of materials thinned only with difficulty; irradiation damage; and for examination of highly toxic materials. Among other studies planned are phase transformations; defects in crystalline polymers; nucleation and growth processes in alloy systems; gas solid reactions, coupled with in situ observations, such as oxidation reactions; solid-solid reactions, coupled with in situ observations, such as cross linking of polystyrene; and for biological studies, such as clotting factors in human blood.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without

excessive delay at the time the foreign article was ordered.

Reasons: The foreign article is of the category that is customarily produced on order. Section 602.1(f)(2) of the above-cited regulations provide:

Produced on order. An instrument, apparatus or accessory shall be considered to be produced on order if a domestic manufacturer lists it in a current catalog and is able and willing to produce the instrument, apparatus or accessory within the United States and have it available without unreasonable delay to the applicant. In determining whether a U.S. manufacturer is able and willing to produce such instrument, apparatus or accessory and have it so available, the Administrator shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

The matter of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 602.1(g) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus or accessory of equivalent scientific value for the purposes described in response to Question 7, if the delay in obtaining such domestic instrument, apparatus or accessory (as indicated in the difference between the delivery times quoted respectively by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determination whether the difference in delivery times is excessive, the Administrator shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The foreign article provides an accelerating voltage of 1 million electron volts (1 MeV). The Model [number not given] manufactured by Forgylo Corp. (Forgylo) Sunbury, Pa. also provides an accelerating voltage of 1 MeV.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 29, 1970, that for the applicant's intended purposes the 1 MeV accelerating voltage is necessary for the accomplishment of the applicant's intended purposes. Therefore, the 1 MeV accelerating voltage is a pertinent characteristic.

The foreign article has a contracted delivery time of 12 months from the date of (Apr. 6, 1970) with delivery to be made by May 1, 1971. Forgylo quoted a delivery time of 36 months. Delivery would be made by May 1, 1973. NBS further advises that the applicant's reply to Question 14 demonstrates that the difference in delivery time would seriously delay the accomplishment of the applicant's programs.

Accordingly, we find that at the time the applicant placed the order for the foreign article, no domestic manufacturer was able to make available to the applicant an instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, within the meaning of § 602.1(f)(2) of the above-cited regulations. We, also, find that the difference between the 12-month delivery time contracted by the foreign manufacturer, and the 36-month delivery time quoted by the domestic manufacturer to be excessive within the meaning of § 602.1(g).

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16106; Filed, Dec. 1, 1970;
8:47 a.m.]

ST. ALOYSIUS HIGH SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00717-16-61800. Applicant: St. Aloysius High School, 2003 Clay Street, Vicksburg, MS 39130. Article: Planetarium model Apollo and auxiliary projectors. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article, which may be operated manually or automatically will be used for instruction in Grades 1 through 12. The subjects to be covered include astronomy, the solar system, forecasting, navigation, water cycles, weather, and earth-space relationship.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the moon and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A-4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A-4 is primarily designed for fixed installation in museums and similar places for viewing by larger groups. The Spitz Model A-4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes

for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A-24 planetarium is a fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 11, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A-4, the Nova Model III, nor the Observa Dome Model A-24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16107; Filed, Dec. 1, 1970;
8:47 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00710-33-46040. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, CA 94304. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for the study of a wide range of ultrastructural features of the skin in disease and under experimental conditions. An ultrastructural approach to the study of psoriasis will include the examination of the detailed internal structure of the epidermal cells in lesions of the disease. The Department of Dermatology will use the article in a training program for research fellows and residents.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgy Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16103; Filed, Dec. 1, 1970;
8:47 a.m.]

TEXAS A & M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00700-60-70000. Applicant: Texas A & M University Agricultural, Research, and Extension Center, Post Office Box 537, Westlaco, TX 78596. Article: Miniature net radiometers, two each and accessories. Manufacturer: Middleton & Co. Pty. Ltd., Australia.

Intended use of article: The article will be used during citrus frost protection research (nighttime) to measure alternately and accurately the net resultant longwave radiation flux and the unidirectional flux or radiant energy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article provides an output sensitivity of 30 millivolts (mV) per gram (g) calorie (cal) per square (sq.) centimeter (cm). The most closely comparable domestic instrument, the Model 621, manufactured by Science Associates, Inc., Princeton, N.J., provides an output sensitivity of 3.5 mV per g cal per sq. cm.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated September 8, 1970, that the difference in output sensitivity of the article and comparable domestic instruments is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find, that the Model 621 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16109; Filed, Dec. 1, 1970;
8:47 a.m.]

FURMAN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00694-01-77030. Applicant: Furman University, Greenville, S.C. 29613. Article: NMR spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for a study of the structure, reactivity, and bonding of triphenylboroxine and its interaction with selected Lewis bases (i.e., amines, phosphines, etc.); for research on the synthesis of spiropentene; and for research in the area of mechanistic acetal studies. In addition, the article will be used in chemistry courses for undergraduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes for which such article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (Mar. 25, 1968).

Reasons: Captioned application is a resubmission of Docket No. 69-00363-01-77030, which was received January 10, 1969, and which was denied without prejudice to resubmission due to informational deficiencies in the original ap-

plication. The foreign article provides both an external lock and a variable temperature control between -120° to $+200^{\circ}$ Centigrade ($^{\circ}\text{C}$) with a regulation of $\pm 0.5^{\circ}\text{C}$. The most closely comparable domestic instrument, the Model HA 60, manufactured by Varian Associates (Varian) provides both external lock and a variable temperature control between -60° to $+200^{\circ}\text{C}$ with $\pm 1.0^{\circ}\text{C}$ regulation.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated September 2, 1970, that external lock, the variable temperature range and the variable temperature control of the foreign article are pertinent characteristics for the applicant's intended purposes. NBS, also, advises that it knows of no domestic instrument that provided the external lock and variable temperature control at the time of the initial application. We, therefore, find that the Model HA 60 was not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16110; Filed, Dec. 1, 1970;
8:47 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00689-75-07795. Applicant: University of California, Los Alamos, Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Image converter camera and accessories. Manufacturer: John Hadland, Ltd., United Kingdom.

Intended use of article: The article will be used for a study of radiation emitted by a high energy neon plasma. The time behavior and spatial distribution of the visible and near ultraviolet radiation of this plasma is to be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 6 to 20 pictures with a time range of 50 nanoseconds to a few microseconds per

frame depending on the settings of the camera. The Model 1-D, image converter camera, manufactured by TRW Instruments, El Segundo, Calif., provides 5 frames, taking from 50 nanoseconds to $\frac{1}{2}$ microsecond per frame.

We are advised by the National Bureau of Standards in its memorandum dated September 1, 1970, that the availability of taking up to 20 frames per event at 50 nanoseconds of microseconds per frame is a pertinent characteristic of the foreign article, for the applicant's intended purposes. NBS advises that it knows of no domestic instrument that can provide 20 frames per event.

We, therefore, find that the Model 1-D is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16111; Filed, Dec. 1, 1970;
8:47 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00738-63-46070. Applicant: University of Illinois at Chicago, Circle, 601 South Morgan Street, Chicago, IL 60607. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used for an investigation of plan micro- and macro- fossils preserved in petrifications (coal balls) collected in southern Illinois and eastern Kentucky since 1964. Other investigations on taxonomic and biostratigraphic research have been in progress since 1965. New projects are planned dealing with fossil plant material in order that comparisons can be made with living plant representatives.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 28, 1968).

Reasons: The application is a resubmission of Docket No. 69-00084-63-46070 which was received August 5, 1968 and denied without prejudice to resubmission

for informational deficiencies on January 29, 1969. The foreign article had a guaranteed resolution of 250 angstroms or better. The only known scanning electron microscope available at the time the applicant placed the order for the foreign article, was the Ultrascan Model SM-1 which was manufactured by K Square Corp. now doing business as the Ultrascan Corp. The domestic Model SM-1 had a guaranteed resolving power of 500 angstroms or better. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 25, 1970 that the additional resolving power available in the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Model SM-1 was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 70-16112; Filed, Dec. 1, 1970;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

MITSUMI O.S.K. LINES (PASSENGER), LTD., AND MITSUMI O.S.K. LINES, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Mitsui O.S.K. Lines (Passenger), Ltd., and Mitsui O.S.K. Lines, Ltd., 3-3, 5-chome, Akasaka, Minatoku, Tokyo, Japan.

Dated: November 25, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16114; Filed, Dec. 1, 1970;
8:47 a.m.]

MITSUMI O.S.K. LINES (PASSENGER), LTD., AND MITSUMI O.S.K. LINES, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Mitsui O.S.K. Lines (Passenger), Ltd., and Mitsui O.S.K. Lines, Ltd., 3-3, 5-chome, Akasaka, Minatoku, Tokyo, Japan.

Dated: November 25, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16115; Filed, Dec. 1, 1970;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8932]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 23, 1970.

Take notice that on November 16, 1970, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. G-8932 a petition to amend the order issued pursuant to section 3 of the Natural Gas Act in this docket on November 25, 1955, as amended, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the Commission has heretofore authorized petitioner to import from Canada natural gas purchased from Westcoast Transmission Co., Ltd. (Westcoast) at a point on the international boundary near Sumas, Wash., in daily quantities of 300,000 Mcf, 200,000 Mcf, 75,000 Mcf, and 75,000 Mcf. The latest two authorizations were issued in this docket on January 20, 1970, and May 12, 1970, respectively, wherein petitioner was authorized to import, commencing November 1, 1970, an additional daily quantity of 75,000 Mcf of natural gas, which quantity was to be increased by 75,000 Mcf on November 1, 1971.

Petitioner states that because of a delay in receipt of complementary Canadian regulatory authorizations, Westcoast, by notice of January 20, 1970, terminated the service agreement, effective August 20, 1970. Subsequently, a Canadian license was issued, dated September 29, 1970.

Petitioner states that inasmuch as facilities cannot be completed to permit firm service during the 1970-71 heating season by petitioner or Westcoast, petitioner and Westcoast have agreed to modify their agreement to provide for deliveries and receipts of 75,000 Mcf per day on a best efforts basis for 30.83 cents per Mcf (U.S. funds) at 14.9 p.s.i.a. The term of such arrangement is for a period continuing through the earlier part of April 30, 1972, or initiation of deliveries under an agreement between petitioner and Westcoast dated October 10, 1969.

Petitioner requests that the Commission authorize the abovementioned transaction in lieu of the authorizations of January 20, 1970, and May 12, 1970.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16118; Filed, Dec. 1, 1970;
8:43 a.m.]

[Docket No. C166-618]

**PACIFIC LIGHTING EXPLORATION CO.
ET AL.**

Notice of Redesignation

NOVEMBER 20, 1970.

On September 21, 1970, Pacific Lighting Exploration Co. filed an application to advise the Commission that its corporate name had been changed from Pacific Natural Gas Exploration Co. by certificate of amendment of articles of incorporation dated July 9, 1969.

Accordingly, the name of the certificate holder in Docket No. C166-618 is changed from Pacific Natural Gas Exploration Co. (operator) et al., to Pacific Lighting Exploration Co. (operator), et al.; and Pacific Natural Gas Exploration Co. (operator) et al., FPC Gas Rate Schedule No. 2 is redesignated as Pacific Lighting Exploration Co. (operator) et al., FPC Gas Rate Schedule No. 2.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16119; Filed, Dec. 1, 1970;
8:43 a.m.]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.
Notice of Application for New License
for Constructed Project

NOVEMBER 23, 1970.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Southern California Edison Co. (correspondence to: Robert P. O'Brien, vice president, Southern California Edison Co., Post Office Box 351, Los Angeles, CA 90053) for its constructed San Geronio No. 1 and No. 2 Project No. 344, located on the East and South Forks of Whitewater and San Geronio Rivers in San Bernardino and Riverside Counties, Calif., in the vicinity of Yucaipa, Calimesa, Beaumont, Banning, and Cabazan, and affecting lands of the United States within the San Bernardino National Forest. The present license for the project will expire on April 26, 1973.

The existing project consists of: (1) East Fork Diversion Dam, a rock masonry structure, extending across the East Fork of the Whitewater River, having a crest length of approximately 47 feet and a height of approximately 14 feet; (2) South Fork Diversion Dam, a concrete structure, extending across the South Fork of the Whitewater River having a crest length of approximately 18 feet and a height of approximately 6 feet; (3) East Fork Conduit, extending from the East Fork Diversion Dam to the intake at South Fork Diversion Dam, comprised of 7,662 feet of concrete lined canal 24 inches in width and 18 inches in depth covered by wooden planks, and two spiral welded steel river crossing pipes; (4) Flow Line No. 1, a 24- by 30-inch concrete lined canal 21,499 feet in length extending from the South Fork Diversion Dam to Tank No. 1 (forebay); (5) Flow Line No. 2, a 24- by 36-inch concrete lined canal 8,928 feet in length extending from powerhouse No. 1 to Tank No. 2 (Second Forebay); (6) Forebay No. 1, a riveted steel tank 61.4 feet in diameter and 41.8 feet in height with a capacity of 2.8 acre-feet; (7) Forebay No. 2, riveted steel tank 43 feet in diameter and 29.2 feet in height with a capacity of 1 acre-foot; (8) Penstock No. 1, 6,113 feet in length extending from Forebay No. 1 to Powerhouse No. 1; (9) Penstock No. 2, 27,000 feet in length extending from Forebay No. 2 to Powerhouse No. 2; (10) Powerhouse No. 1, a reinforced concrete building approximately 32 feet by 22 feet containing a 1,500 kw. generator direct-connected to a 2,330 hp. Pelton impulse turbine operating under a static head of 1,772 feet; (11) Powerhouse No. 2, a reinforced concrete building approximately 32 feet by 22 feet containing a 750 kw. generator direct-connected to a 1,030 hp. Pelton impulse turbine operating under a static head of approximately 900 feet; and (12) Switchyard No. 1 containing one oil circuit breaker rated 7.5 kv. and 400 A and three 667 kva. 2.4-36 kv. transformers; (13) Switchyard No. 2 contain-

ing three 333 kva. 2.4-34.5 kv. transformers; (14) a single circuit 33 kv. transmission line supported on wood poles extending approximately 3.2 miles from Powerhouse No. 1 to Powerhouse No. 2, and appurtenant facilities.

No recreational facilities exist or are planned due to the rocky terrain and Forest Service policy of restricted access in fire hazard areas, such as this.

According to the application: (1) The project output is used in applicant's service areas in central and southern parts of California; (2) the estimated net investment in the project is \$221,500 as of April 1970, which is less than its estimate of fair value; (3) the estimated severance damages in the event of "take-over" by the United States is \$50,000; and (4) the annual taxes paid to State and local government agencies amount to \$13,800.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16120; Filed, Dec. 1, 1970;
 8:48 a.m.]

[Docket No. CP71-139]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 23, 1970.

Take notice that on November 9, 1970, Texas Gas Transmission Corp. (applicant), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP71-139 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon the direct industrial sale of natural gas in interstate commerce to Arkansas Power & Light Co. (P & L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently selling up to 32,000 Mcf of natural gas per day to P & L under the terms of a service agreement dated December 12, 1949. Applicant delivers gas to Arkansas Louisiana Gas Co. (Arkansas Louisiana) at Helena, Ark., and Arkansas Louisiana transports the gas from that point to P & L's generating station near Forrest City, Ark.

Applicant states that it has given notice to P & L that it will terminate its service effective May 4, 1971. Applicant states that in view of the current shortage of long-term natural gas supplies available for interstate markets and in view of the fact that applicant has performed this service for a primary term of 20 years, it is appropriate to terminate its service at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16121; Filed, Dec. 1, 1970;
 8:48 a.m.]

[Docket No. RP69-4]

TRUNKLINE GAS CO.

Notice of Petition for Order Relieving
Settlement Agreement Obligation
To Reduce Rates To Reflect Reduc-
tion in Federal Income Taxes

NOVEMBER 25, 1970.

Notice is hereby given that Trunkline Gas Co. (Trunkline) on November 16, 1970, filed a petition for an order of the Commission relieving Trunkline from any obligation contained in its settlement agreement to further reduce its rates because of the second reduction in Federal income tax surcharge. The settlement agreement was approved by

order of the Commission issued February 19, 1969. Pursuant to article IV, section 2 of the agreement, Trunkline reduced its rates effective as of January 1, 1970, to reflect the reduction in the Federal income tax surcharge from 10 percent to 5 percent. Trunkline states that the present petition is filed under article IV of the settlement which provides that the company may, upon a proper showing, seek and obtain relief from the further obligation to reduce its rates to reflect the elimination of the tax surcharge which occurred on July 1, 1970.

In support of its request, Trunkline's petition states that during the intervening 18 months since the proceedings in this docket were concluded, it has experienced substantial increases in cost. Included in the supporting papers is a cost of service, based upon operations in the 12-month period ended May 31, 1970, as adjusted, which purports to show that with total jurisdictional sales, as adjusted, 488,642,938 Mcf, and the jurisdictional cost of service in the amount of \$171,654,000, the company will experience a revenue deficiency under current rates which would yield revenues in the amount of \$168,050,000. The petition further states that the cost of service includes return on investment which reflects an increase in its embedded cost of debt and preferred stock, but does not reflect any change in return on common equity.

Copies of the petition were served on jurisdictional customers and interested State regulatory agencies. Any person desiring to be heard or make any protest with reference to said petition should on or before December 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16122; Filed, Dec. 1, 1970;
8:48 a.m.]

[Docket No. CP71-146]

UNITED FUEL GAS CO. AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 24, 1970.

Take notice that on November 18, 1970, United Fuel Gas Co. (United) Post Office Box 1273, Charleston, WV 25323, and Kentucky Gas Transmission Corp. (Kentucky Gas), Post Office Box 1273, Charleston, WV 25323, filed in Docket No. CP71-146 a joint application pur-

suant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicants to enter upon a dispatching arrangement whereby United would deliver certain volumes of natural gas to an existing customer, Columbia Gas of Kentucky, Inc. (Columbia of Kentucky), for the account of Kentucky Gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that United is authorized to sell and deliver natural gas to Columbia of Kentucky for resale in the latter's Ashland Division, and Kentucky Gas is authorized to sell and deliver natural gas to Columbia of Kentucky for resale in the latter's Lexington Division. The application further states that Columbia of Kentucky cannot, at times, fully utilize in its Lexington Division the entire gas supply available to it from Kentucky Gas, which Columbia of Kentucky could utilize, in whole or in part, in its Ashland Division.

Applicants state that, together with Columbia of Kentucky, they have entered into a dispatching arrangement which provides that at such times as Columbia of Kentucky cannot fully utilize in its Lexington Division its total daily entitlement of natural gas from Kentucky Gas, United will deliver directly to Columbia of Kentucky in the latter's Ashland Division, for the account of Kentucky Gas, such unused portion of Columbia of Kentucky's total daily entitlement as may be requested by Columbia of Kentucky.

Applicants state that this application does not involve any change in existing contractual agreements, gas supply, current level of deliveries, facilities, or currently effective rate and charges.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the pub-

lic convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16123; Filed, Dec. 1, 1970;
8:48 a.m.]

[Docket No. CP70-193]

CUMBERLAND NATURAL GAS CO., INC.

Order To Show Cause

NOVEMBER 25, 1970.

1. Texas Gas Transmission Corp. on October 12, 1970, in the above-entitled proceeding filed a motion requesting that the Commission make National Chemical Corp. a party to the proceeding, order National Chemical to show cause why it should not be found to be a "natural-gas company" within the meaning of section 1(b) of the Natural Gas Act and be required to comply with the provisions of sections 7(c) and 7(b), and require National Chemical to make available information and data on the operation of certain producing properties. On November 3, 1970, this matter was certified to the Commission by the Presiding Examiner, Byron E. Harrison.

2. By application filed February 24, 1970, Cumberland seeks to abandon the sale of gas to Texas Gas and its transportation and gathering system including 14 miles of 6-inch pipeline extending from Greenville, Ky., to a point of interconnection with Texas Gas at Nortonville, Ky. Cumberland alleges that no service had been rendered for more than a year and that its facilities are dormant. It also says that all gas supply connected to this line has reached such a low pressure that it is not possible to compress and deliver this gas to Texas Gas. Cumberland was granted a certificate for these facilities and for a sale of gas to Texas Gas in Opinion No. 467 and Order, 34 FPC 132 (July 29, 1965). On May 20, 1970, the Commission permitted Texas Gas to intervene and set the matter for hearing which commenced on October 8, 1970. It is indicated in the incomplete record so far made that on April 11, 1970, Cumberland transferred its pipeline and other facilities to National Chemical.

3. In its present motion Texas Gas alleges that information currently available negates the allegations made by Cumberland with respect to a depletion of gas supply particularly with respect to production properties in the White Plains Field, Hopkins County, Ky., formerly owned by the Creek Oil Co. and the "Collier Unit" in this field formerly owned by J. C. Miller and the Tartan Oil Co., all of which have been transferred

to National Chemical. Texas Gas believes that National Chemical is using the White Plains Field as a storage field, but that some gas previously dedicated to interstate commerce is now being diverted to intrastate commerce. It says that it is unable to determine the effect of the possible injection of gas into the White Plains Field, and, in addition to requesting that National Chemical be ordered to show cause why it should not comply with the certificate and abandonment provisions of the Gas Act, asks that National Chemical make available information, which it lists in detail, on well injections and withdrawals and be ordered, if warranted, to cease diverting gas from interstate commerce. The Staff of this Commission supports the requests of Texas Gas and asks that Cumberland and National Chemical produce a copy of the contract for the sale of the Cumberland facilities.

4. In our opinion on the basis of these allegations and the information in the record so far compiled National Chemical should be ordered to show cause why it should not be found to be a "natural gas company", why it should not be required to obtain a certificate as successor in interest with respect to the pipeline facilities and producing properties acquired by it, and why it should not be required to comply with the abandonment provisions of section 7(b) of the Act. National Chemical, as apparent actual owner of the jurisdictional facilities, should become a party to the proceeding and should make available for the record the type of information on the producing properties called for by Texas Gas. Either Cumberland or National Chemical should be required to produce the contract for the sale of the Cumberland facilities. Because of the detailed nature of the information and the possible practical problems involved we shall not order the production of this information now but leave this to the Presiding Examiner, who will be able to adjust these requests to the needs of the hearing, the practical possibilities, and the convenience of the parties.

5. In their answers to the motion of Texas Gas, Cumberland and National Chemical variously complain of laches by Texas Gas and contend that Texas Gas has in effect abandoned the purchase of gas from Cumberland and has formally canceled it. Furthermore, they say, they have relied on Texas Gas' action to their detriment. Therefore they argue that Texas Gas should not be permitted to succeed in its motion. We are of the opinion that these arguments should not prevent our joining the necessary parties and obtaining the necessary information in this proceeding. The Commission is not merely making a determination between private parties but is concerned whether gas has been diverted from interstate commerce without complying with the provisions of the Natural Gas Act.

6. Cumberland says that it remains the real party in interest because the agreement for the sale of the facilities provides that if Cumberland does not

obtain an FPC order permitting abandonment, National Chemical can terminate the contract and reconvey the facilities back to Cumberland. National Chemical alleges that no appreciable native gas exists to supply Cumberland and that it has no way to deliver Creek or Collier Unit gas to Cumberland for redelivery to Texas Gas. What Cumberland and National Chemical say may well prove to be the case when a full record has been made, but we do not believe we are entitled to make a determination on the basis of these allegations and the incomplete record.

The Commission orders:

(A) National Chemical shall show cause why it should not be found to be a "natural-gas company" within the meaning of section 1(b) of the Natural Gas Act, why it should not be required to obtain a certificate pursuant to section 7(c) of the Act, as successor in interest with respect to producing acreage previously dedicated to interstate commerce and as transferee of the Cumberland facilities, and why it should not be required to comply with the abandonment provisions of section 7(b) of the Act. National Chemical is hereby made a party to these proceedings.

(B) By subpoena or otherwise, the Presiding Examiner shall obtain from the parties, including National Chemical, what information he believes necessary to resolve the issues in this proceeding as to the operation of producing properties that have been used to supply gas to the Cumberland pipeline for delivery to Texas Gas; and he shall order the production of a copy of the contract for the sale of the Cumberland facilities to National Chemical.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16124; Filed, Dec. 1, 1970;
8:48 a.m.]

[Docket No. CP70-313]

LONE STAR GAS CO.

Order Permitting Intervention, Setting Hearing Date, and Prescribing Procedure

NOVEMBER 23, 1970.

On June 22, 1970, Lone Star Gas Co. (Lone Star) filed in Docket No. CP70-313 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in Texas and Oklahoma presently used in the transportation of natural gas in interstate commerce, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities for the transportation of natural gas in interstate commerce.

Lone Star seeks to abandon by removal and salvage approximately 36 miles of pipeline located between Texas and Oklahoma, and to abandon by transferring to intrastate operation ap-

proximately 418 miles of existing pipeline in northeast Texas.

The applicant also seeks a certificate of public convenience and necessity authorizing the construction and operation of approximately 140 miles of various size pipelines in southeast Oklahoma along the Oklahoma-Texas border, and a total of 1,320 horsepower at two compressor stations in the same general area. Applicant further requests authorization to transport additional volumes of gas for sale on a direct basis to Weyerhaeuser Co. in southeastern Oklahoma.

In support of its request to construct facilities and change the character of part of its transmission system in northeast Texas from interstate to intrastate operation, Lone Star states that a combination of factors, including declining jurisdictional reserves, unavailability of new jurisdictional gas supplies coupled with age and condition of the northeast Texas transmission system which requires operation at reduced pressures, and increasing markets, make the realignment necessary.

Lone Star claims that after its realignment it can supplement the northeast Texas system with gas from existing intrastate producers, which gas it cannot now commingle with jurisdictional supplies because of restrictions in its intrastate gas contracts.

The estimated cost of all construction including realignment facilities and facilities directly related to additional sales to Weyerhaeuser is \$4,114,386, of which Weyerhaeuser has agreed to pay \$1,200,000 to Lone Star as aid in construction.

Due notice of the application was given by publication in the FEDERAL REGISTER on July 9, 1970 (35 F.R. 11058). On July 21, 1970, Natural Gas Pipeline Company of America (Natural) filed a timely petition to intervene and stated that as Lone Star's only jurisdictional resale customer it could be adversely affected by Lone Star's application since Lone Star has allegedly delivered less than its contract quantity to Natural for the past several years and appears to weaken further Natural's overall jurisdictional gas supply situation by this proposal. Natural specifically requested a formal hearing.

Lone Star responded to Natural's petition to intervene claiming that it should be denied on the basis that Natural is attempting to improperly interject a contract matter involving a service agreement into a certificate proceeding.

It is our belief, however, that Natural, as the sole jurisdictional resale customer of Lone Star, could be adversely affected by the abandonment of the subject facilities with the concomitant withdrawal from the interstate market of natural gas previously dedicated to such market. The private obligations between Lone Star and Natural may well be governed by contract. But obligations to the public must be governed by the provisions of the Natural Gas Act. The public obligations remain fixed until changed in the manner provided by the Act. See: Continental Oil Company, 31 FPC 1070,

affirmed sub nom. *United Gas Pipe Line Company v. FPC*, 350 F. 2d 689 (5th Cir. 1965), 385 U.S. 83 (1966); *United Gas Pipe Line Company*, 3 FPC 3 (1942). The Commission is the proper forum in which the issues presented by the proposed abandonment should be heard.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Lone Star's application in Docket No. CP70-313 as ordered hereinafter.

(2) Good cause exists to allow the petitioner, Natural Gas Pipeline Company of America, to intervene in this proceeding subject to its compliance with the terms of this order that it may establish the facts and law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Natural Gas Pipeline Company of America is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided*, That it shall comply with the terms of this order and that its participation shall be limited to matters affecting rights and interests expressly asserted in its petition to intervene: *And provided further*, That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order entered in this proceeding.

(B) A public hearing on the issues presented by Lone Star's application in Docket No. CP70-313 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m. on January 5, 1971.

(C) The applicant shall file with the Commission and serve on the petitioner, the Commission's staff, and the Presiding Examiner proposed evidence, including the prepared testimony of witnesses and exhibits, on or before December 7, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16125; Filed, Dec. 1, 1970;
8:40 a.m.]

[Dockets Nos. RP70-25, RP71-27, RP71-28]

FLORIDA GAS TRANSMISSION CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

NOVEMBER 24, 1970.

Florida Gas Transmission Co. (Florida Gas), on October 15, 1970, tendered for filing in Docket No. RP71-27 revised tariff sheets proposing changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2, to become effective on Decem-

ber 1, 1970.¹ The proposed changes would increase charges for sales and transportation services under all of Florida Gas' jurisdictional rate schedules by approximately \$1,600,000 annually, based on volumes for the 12-month period ended December 31, 1969, as adjusted. Florida Gas states that the reason for the proposed increased rates is to reflect the jurisdictional cost of service effect of normalized accounting of liberalized tax depreciation on all of its utility property placed in service on or after January 1, 1968, which is eligible for such treatment. The company states that the cost of service effect has been determined on the basis of the same underlying test period data filed by Florida Gas in support of its presently effective rates in Docket No. RP70-25.

Florida Gas, also on October 15, 1970, tendered for filing in Docket No. RP71-28 a petition requesting permission to adopt normalized accounting of liberalized tax depreciation for book and rate purposes, beginning January 1, 1971, on all its pre-1970 utility property eligible for such treatment, which has been constructed and placed in service on or after January 1, 1968.²

In support of its proposed rate increase and its request for the change in accounting Florida Gas contends that the considerations underlying the Commission's decision in *Texas Gas Transmission Corporation*, Opinion No. 578, issued June 3, 1970, permitting normalized accounting for liberalized tax depreciation on pre-1970 property to Texas Gas, are equally applicable to Florida Gas.

Florida Gas requests that the rate changes which it proposes in Docket No. RP71-27 be suspended by the Commission for no more than 30 days, i.e., until January 1, 1971, for the reason that the company proposes to begin normalized tax depreciation on its books as of that date on all of its utility property installed after January 1, 1968, and that a shortened suspension period would permit it to synchronize its accounting for book and rate purposes. If its proposed changes in rates are not permitted to become effective as of January 1, 1971, after suspension, Florida Gas requests that the effective date of the change in accounting proposed in its petition in Docket No. RP71-28 be modified to coincide with the effective date of the changes in rates. Florida Gas requests

that its rate filing be consolidated with Docket No. RP70-25.

Petitions requesting leave to intervene in both Docket Nos. RP71-27 and RP71-28 have been filed by Sun Oil Co. and Florida Power Corp. Municipal Distributors Group, Southern Gas Co. and Gainesville Gas Co. filed petitions to intervene in Docket No. RP71-27. Both Florida Power and the Municipal Group request that Florida Gas' proposed increased rates be suspended for the 5-month statutory period and Florida Power moves to consolidate Docket No. RP71-28 with Docket No. RP71-27.

The proposed rate increases in Docket No. RP71-27 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. It is appropriate, in this case, however, that Florida Gas' proposed increase in rates be suspended for 30 days until January 1, 1971, as hereinafter provided.

The fact that Florida Gas' proposed rates in both Docket Nos. RP71-27 and RP70-25 are based upon the same underlying test period cost data raises issues of law and fact common to both proceedings. Under these circumstances, and in view of the interrelationship between Florida Gas' rate filing in Docket No. RP71-27 and its petition for change of accounting in Docket No. RP71-28, it is appropriate that these proceedings be consolidated with Docket No. RP70-25 for purposes of hearing and decision.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed tariff sheets listed in footnote 1 above be suspended and the use thereof be deferred as herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held concerning the lawfulness of the rates, charges, classifications, and services contained in Florida Gas' FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Florida Gas' revised tariff sheets, listed in footnote 1 above, are suspended and the use thereof is deferred until January 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The proceedings in Dockets Nos. RP71-27, RP71-28, and RP70-25 are hereby consolidated for hearing and decision.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16126; Filed, Dec. 1, 1970;
8:48 a.m.]

¹The proposed revised tariff sheets are Third Revised Sheet No. 8 and Fifth Revised Sheet No. 4 of Original Volume No. 1 and Fifth Revised Sheet No. 128 and Seventh Revised Sheet Nos. 27 and 63 of Original Volume No. 2.

²Florida Gas states that it made a timely election with the Internal Revenue Service to use normalized accounting for liberalized tax depreciation for book and rate purposes for its post-1969 expansion property, pursuant to the provisions of the Tax Reform Act of 1969 and the Commission's Order No. 404, Docket No. R-387, issued May 15, 1970.

[Dockets Nos. CP71-135, CI71-389]

**TEXAS GAS TRANSMISSION CORP.,
AND TEXAS GAS EXPLORATION
CORP.****Notice of Applications**

NOVEMBER 20, 1970.

Take notice that on November 5, 1970, Texas Gas Transmission Corp. (Texas Gas), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP71-135, and its wholly owned subsidiary, Texas Gas Exploration Corp. (Exploration), 1111 First City Bank Building, Houston, TX 77052, filed in Docket No. CI71-389, concurrent applications pursuant to section 7 of the Natural Gas Act wherein Exploration proposes to abandon the sales of natural gas from its Bethal Formation in the Elk Creek and St. Charles Fields located in Hopkins County, Ky., and its associated facilities to Texas Gas; and Texas Gas proposes to acquire said facilities and remaining reserves, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicants state that by assignments dated April 16, 1970, and April 27, 1970, Exploration conveyed all its right, title, and interests in said properties to Texas Gas which remaining gas reserves were previously dedicated to Texas Gas pursuant to certain gas purchase contracts comprising Exploration's FPC Gas Rate Schedules Nos. 19 and 25.

Texas Gas states that the gas reserves will be acquired at Exploration's net book value in the properties where such gas reserves are located.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that

a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16145; Filed, Dec. 1, 1970;
8:50 a.m.]

[Docket No. CP71-140]

TEXAS GAS TRANSMISSION CORP.**Notice of Application**

NOVEMBER 20, 1970.

Take notice that on November 12, 1970, Texas Gas Transmission Corp. (applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP71-140 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations for a certificate of public convenience and necessity authorizing, during the 12-month period commencing on March 11, 1971, the construction and operation of routine measuring and regulating stations, together with appurtenant facilities necessary for the establishment of new and additional delivery points for the sale and delivery of natural gas to existing utility customers for resale in the vicinity of applicant's pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to secure authorization for the installation of delivery points which are routine in nature but which might otherwise require the filing and processing of a separate application for each such delivery point.

Applicant states that the total cost of all projects for which authorization is sought is not to exceed \$100,000. Further, no deliveries to any one distributor or consumer through any new delivery point shall exceed 100,000 Mcf annually, and none of said deliveries of gas shall be used for boiler fuel purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16146; Filed, Dec. 1, 1970;
8:50 a.m.]

[Docket No. CP71-141]

**TRANSCONTINENTAL GAS PIPE LINE
CORP. AND MID LOUISIANA GAS
CO.****Notice of Application**

NOVEMBER 20, 1970.

Take notice that on November 12, 1970, Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, and Mid Louisiana Gas Co. (Mid Louisiana), Post Office Box 1707, Shreveport, LA 71102, filed in Docket No. CP71-141 a joint application pursuant to section 7 of the Natural Gas Act seeking authorization for the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Under the proposed arrangement, Mid Louisiana will deliver to Transco certain volumes of natural gas up to a maximum of 40,000 Mcf per day at the Cameron Meadows Plant, Cameron Parish, La. From April 1 to November 1 of each year, Transco will deliver such volumes of natural gas as are requested by Mid Louisiana up to a maximum daily volume of 40,000 Mcf a day at a proposed point of interconnection between the systems of the two companies in East Feliciana Parish, La. The difference between the volumes delivered to Transco by Mid Louisiana at the Cameron Meadows point and the volumes delivered at the East Feliciana Parish delivery point, up to 30,000 Mcf per day unless otherwise agreed to by the parties, will be delivered by Transco to Mid Louisiana at a proposed point of interconnection between the systems of the two companies in St. James Parish, La.

From November 1 to April 1 of each year, Transco will deliver to Mid Louisiana at the East Feliciana Parish delivery point such volumes as are requested by Mid Louisiana up to a maximum of 70,000 Mcf per day. The difference between the volumes delivered by Mid Louisiana to Transco at Cameron Meadows and the amount delivered by Transco to

Mid Louisiana at the East Feliciana Parish point will be delivered to Transco by Mid Louisiana at the St. James Parish point.

The agreement also provides that when Transco is confronted by unusual operating conditions on its system and needs additional deliveries from Mid Louisiana at the St. James Parish point of delivery, Mid Louisiana will cooperate to the extent of its abilities to aid in such situations.

The application states that Mid Louisiana proposes to install at the East Feliciana Parish delivery point approximately 150 feet of 8-inch line connecting into Mid Louisiana's existing lines, together with a flow controller and other appurtenances, at an estimated cost of \$25,500. Transco proposes to construct, own, operate and maintain meter and regulating equipment at the East Feliciana Parish delivery point, at an estimated cost of \$63,175, and to install and own a tap and flange connection on its facilities in St. James Parish, at an estimated cost of \$6,107.

Applicants state that Mid Louisiana will pay Transco an annual sum of \$744,600 in equal monthly installments for this exchange and transportation service.

Applicants state that the proposed exchange will enhance the flexibility of applicants' systems. Moreover, it will permit the early development and utilization by Mid Louisiana of a new storage field in St. James Parish, La., and it will enable Mid Louisiana to serve more efficiently the heating season requirements of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-16147; Filed, Dec. 1, 1970;
8:50 a.m.]

FEDERAL RESERVE SYSTEM

MERRILL BANKSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), by Merrill Bankshares Co., which is a bank holding company located in Bangor, Maine, for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Federal Trust Co., Waterville, Maine.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors,
November 25, 1970.

[SEAL] KENNETH A. KENTON,
Deputy Secretary.

[F.R. Doc. 70-16035; Filed, Dec. 1, 1970;
8:46 a.m.]

FIRST SECURITY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Security Corp., Salt Lake City, Utah, for approval of acquisition of 100 percent (less directors' qualifying shares) of First Security State Bank of Springville, Springville, Utah, a proposed new bank.

There has come before the Board of Governors pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Security Corp., Salt Lake City, Utah, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First Security State Bank of Springville, Springville, Utah, a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Financial Institutions of the State of Utah, and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 3, 1970 (35 F.R. 14027), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, and provided further that (c) First Security State Bank of Springville shall be open for business not later than 6 months after the date of this

¹Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco. Dissenting Statement of Governors Robertson, Malsel, and Brimmer filed as part of the original document and available upon request.

order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,²
November 25, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16096; Filed, Dec. 1, 1970;
8:46 a.m.]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Virginia Bankshares Corp., Arlington, Va., for approval of acquisition of voting shares of the successor by merger to Citizens Bank of Poquoson, Poquoson, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Virginia Bankshares Corp., Arlington, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of a new bank into which would be merged Citizens Bank of Poquoson, Poquoson, Va. (Bank). The new bank has significance only as a means of acquiring all of the shares of the bank to be merged into it.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Virginia Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 7, 1970 (35 F.R. 15426) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, which controls 12 banks with \$444 million in deposits, is the State's sixth largest banking organization and fourth largest bank holding company. (Banking data are as of December 31, 1969, and reflect acquisitions

approved by the Board to date.) Upon acquisition of Bank, with deposits of \$6.2 million, Applicant would increase its share of State deposits by only 0.2 percent and would retain its relative position among the State's banking organizations and holding companies.

Bank is slightly the smaller of the two banks located within the town of Poquoson and is the ninth largest of the 11 banks located in the Newport News-Hampton SMSA, holding 2 percent of that area's deposits. Applicant's nearest existing subsidiaries are located 12 and 25 miles, respectively, from Bank and there is no significant existing competition between Bank and either of these subsidiaries.

On May 28, 1970, Applicant received Board approval for the acquisition of a new bank to be located in the city of Hampton (Hampton Bank), about 7.5 miles from Poquoson. It is expected that the bank will open in early 1971. Bank, one of the two area banks offering checking accounts without service charge, derives a substantial percentage of its demand deposits from Hampton and the adjoining city of Newport News, primarily through its bank-by-mail program. (Applicant plans to continue the practice upon consummation of acquisition of Bank.) To this extent, consummation of the present proposal would eliminate some potential competition between the two organizations. However, in view of the limited nature of this competition, and the fact that Hampton Bank is a denovo entrant into its area, the Board affords limited weight to this adverse consideration.

Moreover, it appears that the primary purpose of the acquisition of Bank is to facilitate Applicant's entry into the Williamsburg area, in which Bank can legally establish branches. Bank apparently lacks the financial and managerial resources as an independent institution to branch and become fully competitive in the Newport News-Hampton area. On the other hand, under the sponsorship of Applicant, it could become a meaningful competitor in the Williamsburg area.

Based upon the foregoing, the Board concludes that consummation of the proposal would have no significant adverse effect on competition in any relevant area. The banking factors as they relate to Applicant and its subsidiaries are consistent with approval. The banking factors as they relate to Bank are reasonably satisfactory. Since Applicant would provide a remedy for a potential management succession problem, these factors lend some weight toward approval of the application. Considerations relating to the convenience and needs of the communities to be served also lend some weight toward approval; although the banking needs of the Poquoson area appear to be adequately served, Applicant proposes to improve and expand Bank's present services by instituting trust and data processing services and expansion of bank mortgage lending. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered. For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,¹
November 24, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16097; Filed, Dec. 1, 1970;
8:46 a.m.]

NEW CITIZENS BANK

Order Approving Merger of Banks

In the matter of the application of New Citizens Bank for approval of merger with Citizens Bank of Poquoson.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by New Citizens Bank, Poquoson, Va., a proposed State member bank of the Federal Reserve System, for the Board's prior approval, of the merger of that Bank and Citizens Bank of Poquoson, Poquoson, Va., under the charter of the former and the name of the latter. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the record, including reports received pursuant to the Act on the competitive factors involved in the proposed merger, in the light of the factors set forth in said Act,

It is hereby ordered. For the reasons set forth in the Board's order of this date concerning the acquisition of the successor by merger to Citizens Bank of Poquoson by First Virginia Bankshares Corp., Arlington, Va., that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,²
November 24, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16098; Filed, Dec. 1, 1970;
8:46 a.m.]

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Governor Malsel.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Governor Malsel.

² Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Malsel, and Brimmer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-164; NADA No. 9-015V]

S. E. MASSENGILL CO.

Keraspray; Notice of Opportunity for Hearing

An announcement published in the **FEDERAL REGISTER** of February 14, 1969 (34 F.R. 2212), invited the S. E. Massengill Co., 527 Fifth Street, Bristol, TN 37620, holder of NADA (new animal drug application) No. 9-015V for Keraspray (a drug containing 0.25 percent neomycin sulfate, 0.005 percent phenylmercuric nitrate, 86.25 percent sulfanilamide, 10 percent sulfisoxazole, 0.5 percent tetracaine hydrochloride, with or without 0.25 percent methylene blue), and any other interested person, to submit pertinent data on the drug's effectiveness. Certain data were submitted in response to the announcement. Such data were evaluated and the Commissioner of Food and Drugs concludes that available information still fails to provide substantial evidence of effectiveness of the drug.

Therefore, notice is given to the S. E. Massengill Co., and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 9-015V and all amendments and supplements thereto held by the S. E. Massengill Co. for the drug Keraspray on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 9-015V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to Keraspray and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the **FEDERAL REGISTER**, such persons are required to file with the Hearing

Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 16, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-16092; Filed, Dec. 1, 1970;
8:45 a.m.]

[Docket No. FDC-D-232; NADA No. 11-506V]

CIBA PHARMACEUTICAL CO.

Ultracortenol; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for hearing on the proposed withdrawal of approval of new animal drug application No. 11-506V and all amendments and supplements thereto held by CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, NJ 07901, for the drug Ultracortenol was published in the **FEDERAL REGISTER** on September 23, 1970 (35 F.R. 14796). CIBA Pharmaceutical Co. filed a written appearance indicating that the manufacture and marketing of such drug had been discontinued and electing not to avail itself of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new animal drug application No. 11-506V and all amendments and supplements thereto applying to Ultracortenol is withdrawn effective on the date of signature of this document.

Dated: November 9, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-16093; Filed, Dec. 1, 1970;
8:46 a.m.]

Social and Rehabilitation Service

CONFORMITY OF PUBLIC ASSISTANCE PLAN OF THE STATE OF MISSOURI WITH THE SOCIAL SECURITY ACT

Notice of Hearing

Notice is hereby given that issue No. 4 set forth in the Notice of Hearing published in the **FEDERAL REGISTER**, November 13, 1970 (35 F.R. 17440) has been amended as stated in the following letter which has been sent to the Missouri State Department of Public Health and Welfare, Division of Welfare.

Dated: November 25, 1970.

JOHN D. TWINAME,
Administrator, Social and
Rehabilitation Service.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

SOCIAL AND REHABILITATION SERVICE

Mr. PROCTOR N. CARTER,
Director, Division of Welfare,
State Department of Public Health
and Welfare,
Broadway State Office Building,
Jefferson City, Mo. 65102.

NOVEMBER 25, 1970.

DEAR MR. CARTER: In my letter of November 10, 1970, I stated the time and place for the conformity hearing on certain problems in the administration of the Missouri State welfare program and the issues to be considered at that hearing.

Since then it has come to my attention that the manner in which Issue No. 4 was stated does not fully reflect the problems to be considered. This issue is therefore modified to read as follows:

4. In regard to the State plan requirements in sections 2(a) (8), 402(a) (10), 1002 (a) (11), 1402(a) (10), and 1902(a) (8) of the Social Security Act, concerning the furnishing of assistance with reasonable promptness to all eligible individuals and time standards for determination of eligibility as approved in H.B. IV-2200(b) (3) and 2300(b) (5) as modified by SRS Policy Statement of August 12, 1968, and H.B. Supp. D-3020, item 2 and 3030, item 2, which standards cover the time from the date of application to the date the applicants receive their first assistance check (or in the case of medical assistance, are determined eligible), or receive notice of denial of assistance,

a. Whether the provisions of the Missouri State plans for OAA, AFDC, AB, and APTD which set forth time standards for determining eligibility and furnishing assistance are in compliance with these Federal requirements; and

b. Whether in the administration of the State plans for OAA, AFDC, AB, APTD, and MA, there is a failure to substantially comply with these Federal requirements. If your agency would like to have further negotiations on this or any of the other issues stated in my letter of November 10, 1970, I shall be glad to cooperate with you.

Sincerely yours,

JOHN D. TWINAME,
Administrator.

[F.R. Doc. 70-16104; Filed, Dec. 1, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration NATURAL BRIDGE INSPECTION STANDARDS

Extension of Closing Date for Comments

On September 24, 1970, the Administrator issued a proposal to establish standards for the inspection of bridges on the Federal-Aid Highway System (35 F.R. 14864). Interested persons were invited to submit comments on the proposed standards on or before the close of business on November 30, 1970.

The Administrator has received requests for extension of the closing date for comments. Upon consideration of these requests, the closing date is hereby extended to the close of business on December 31, 1970.

This action is taken under the authority of the Federal-Aid Highway Act of 1968 (23 U.S.C. 116(d)) and the delegation of authority in § 1.48(b) of the regulations of the Office of the Secretary, 49 CFR 1.48(b) (35 F.R. 4959) (1970).

Issued on November 23, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-16105; Filed, Dec. 1, 1970;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility License No. DPR-7 dated January 21, 1969. The license presently authorizes the Pacific Gas and Electric Co. to possess, use and operate the Humboldt Bay Power Plant Unit No. 3 located in Humboldt County, Calif., at steady-state power levels up to a maximum of 240 megawatts (thermal). The amendment revises the license (paragraph 3.B) to authorize receipt, possession and use of the following additional byproduct materials (formerly covered by State of California License No. 0467-12): 30 curies of cobalt 60 in the form of two sealed sources and 1 curie of various byproduct materials between atomic Nos. 3 through 83 (inclusive) in any form, but not to exceed 100 millicuries of any one isotope.

The Commission has found that the application for the amendment dated October 21, 1970, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated October 21, 1970, and (2) the amendment to the facility license, which are avail-

able for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of November 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16099; Filed, Dec. 1, 1970;
8:46 a.m.]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Application for Construction Permit and Operating License

The Portland General Electric Co., 621 Southwest Alder Street, Portland, OR; the city of Eugene, Eugene Water & Electric Board, 500 East Fourth Street, Eugene, OR; and Pacific Power & Light Co., 920 Southwest Sixth Avenue, Portland, OR (the applicants), pursuant to the Atomic Energy Act of 1954, as amended, filed an application, dated June 25, 1969, for a permit to construct and a license to operate a pressurized water nuclear power reactor at the Trojan Nuclear Plant, an approximately 623-acre site on the west bank of the Columbia River, about 31 miles north of Portland, Ore., 4 miles south-southeast of Rainier, Ore., and 3 miles northwest of Kalama, Wash., in Columbia County, Ore.

In amendments to its application, the Portland General Electric Co. (the applicant) and the city of Eugene, Ore., acting by and through the Eugene Water & Electric Board and the Pacific Power & Light Co. (the coapplicants) will be coowners of the proposed Trojan Nuclear Plant. Portland General Electric Co. will act as representative of the owners with respect to design, construction and operation of the facility.

The proposed reactor, designated as the Trojan Nuclear Plant, is designed for initial operation at approximately 3,423 thermal megawatts with a net electrical output of approximately 1,106 megawatts.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Law Library, Columbia County Circuit Court, St. Helens, Ore.

Dated at Bethesda, Md., this 27th day of November 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16031; Filed, Dec. 1, 1970;
8:45 a.m.]

UNDERGROUND NUCLEAR TEST PROGRAMS, NEVADA TEST SITE

Notice of Availability of Environmental Statement

Notice is hereby given that a document entitled "Environmental Statement—Underground Nuclear Test Programs, Nevada Test Site (Tests of One Megaton or Less)," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Nevada Operations Office, 2753 South Highland, Las Vegas, NV 89102; the San Francisco Operations Office, 9800 South Cass, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This statement covers all underground noncratering nuclear tests of 1 megaton or less for fiscal year 1971 at the Commission's Nevada Test Site. Filed with this statement are the comments received from Federal and State agencies on the draft statement of which Notice of Availability was published in the FEDERAL REGISTER, Volume 35, No. 141, July 22, 1970. Also filed with the statement is AEC's response to the comments from Federal and State agencies.

The Environmental Statement, the comments on the draft statement and AEC's response to those comments will be furnished upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, DC 20545.

Dated at Washington, D.C., this 25th day of November 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[F.R. Doc. 70-16100; Filed, Dec. 1, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-A (Region IX), Amdt. 3]

REGIONAL DIVISION CHIEFS ET AL., REGION IX

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-A (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683 and 35 F.R. 15033), Delegation of Authority No. 30-A (Region IX) (35 F.R. 3133), as amended (35 F.R. 4794 and 35 F.R. 15033) is hereby further amended by revising Item I.J to include the following:

I. Regional Division Chiefs, Regional Counsel and staffs. * * *

J. Chief, Procurement and Management Assistance Division. * * *

4. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

Effective date: September 14, 1970.

DONALD McLARRIAN,
Regional Director,
San Francisco, Calif.

[F.R. Doc. 70-16101; Filed, Dec. 1, 1970; 8:46 a.m.]

[Delegation of Authority No. 30-F (Region I) (Amdt. 1)]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region I

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-F (35 F.R. 6886), as amended (35 F.R. 15033), Delegation of Authority No. 30-F (Region I) (35 F.R. 8845) dated June 6, 1970, is hereby amended by revising Item I.J to read as follows:

I. Regional Division Chiefs, Regional Counsel and Staffs. * * *

J. Chief, Procurement and Management Assistance Division. 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

Effective date: November 2, 1970.

DAVID P. HEILNER,
Regional Director, Region I.

[F.R. Doc. 70-16102; Filed, Dec. 1, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 791; Amdt. 2]

PUERTO RICO AND VIRGIN ISLANDS Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 791 dated October 9, 1970, as amended, is hereby further amended as follows:

1. By adding "November 9, 1970" after "October 3, 1970" in paragraph No. 1.
2. By substituting "May 31" for "April 30" in paragraph No. 2.

Dated: November 18, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-16103; Filed, Dec. 1, 1970; 8:46 a.m.]

[Delegation of Authority No. 30-H (Region II), Amdt. 1]

REGIONAL DIVISION CHIEFS ET AL. Delegation of Authority To Conduct Program Activities in Region II

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033), Delegation of Authority No. 30-H (Region II) 35 F.R. 12805, August 12, 1970, is hereby amended by revising Item IV to read as follows:

IV. Branch Manager—Buffalo, N.Y.
1. To approve or decline business, disaster, and displaced business direct loans not in excess of \$50,000 and participation loans not in excess of \$50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of \$25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, disaster, and displaced business loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for central office, regional, and district approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)
(Title of persons signing)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or

hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Community Economic Development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in section 120.2(e) of SBA loan policy regulations.

Effective date: October 6, 1970.

CARLOS A. VILLAMIL,
Regional Director,
New York, Region II.

[F.R. Doc. 70-16135; Filed, Dec. 1, 1970;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 27, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant

to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-25, 449 (Sub-No. 1), filed November 13, 1970. Applicant: SOUTHERN MISSOURI FREIGHT, INC., Post Office Box 1091 C.S.S., Springfield, MO 65803. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, dangerous explosives, uncrated household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: (1) From Springfield, Mo., over U.S. Highway No. 160 to its junction with Missouri Highway No. 123, thence over Missouri Highway No. 123 to its junction with County Route U at Walnut Grove, thence over County Route U to its junction with County Route C in Dade County, thence over County Route C to its junction with County Route H at Bona, thence over County Route H and an undesignated route over Stockton Lake to Arcola, Mo., and return. (2) From Springfield, Mo., over I-44 to Sarcoxie, Mo., and the junction of Missouri Highway No. 27 and return. (3) From Golden City, Mo., over Missouri Highway No. 37 to Cassville, Mo., and return. (4) From Springfield, Mo., over U.S. Highway No. 60 and By-Pass 60 to Monett, Mo., and return. (5) From Cassville, Mo., over Missouri Highway No. 76 to Branson, Mo., and return and (6) From the junction of U.S. Highway No. 60 and County Route P at Republic, Mo., over County Route P to Clever, Mo., thence over County Route K to its junction with County Route A, thence over County Route A to its junction with Missouri Highway No. 13 and return. Serving the junctions of said routes and applicant's presently authorized regular routes for the purpose of joinder, and with authority to render service between Springfield, Mo., and its commercial zone, and all points located on and along the above-named routes, including their commercial zones, also, authority to serve between all points on the above-described routes and between all points on all such points, on the one hand, and all points applicant is presently authorized to serve over its presently authorized regular routes, on the other hand. *Intrastate, irregular*: Between all points and places in the Counties of Dade, Lawrence, and Barry, Mo., and between points in said counties, on the one hand, and all points applicant is

presently authorized to serve, on the other hand. Both intrastate and interstate authority sought.

HEARING: March 2, 3, and 4, 1971, 10 a.m., Hearing Room of the Missouri Public Service Commission, Jefferson City, Mo. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Missouri Public Service Commission, Jefferson City, Mo. 65101, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16152; Filed, Dec. 1, 1970;
8:50 a.m.]

[Notice 200]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 27, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2228 (Sub-No. 62 TA), filed November 23, 1970. Applicant: MERCHANTS FAST MOTOR LINES, INC., Post Office Drawer 270, East U.S. Highway 80 Abilene, TX 79604. Applicant's representative: Laurence M. Cottingham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including classes A and B Explosives* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and thus injurious or contaminating to other lading): (1) Between Fort Worth, Tex., and Lubbock, Tex.; from Fort Worth over Texas Highway 199 to Seymour, thence over U.S. Highway 82 to Lubbock and return over the same route, serving all intermediate points between Jermyn

and Dickens, including Dickens, but serving Ralls for the purpose of joinder only; (2) between Albany, Tex., and Wichita Falls, Tex.; from Albany, Tex., over U.S. Highway 283, to Throckmorton, Tex., thence over Texas Highway 79 to Wichita Falls, Tex., and return over the same route, serving all intermediate points; (3) between Quanah, Tex., and the junction of Texas Highway 283 and U.S. Highway 380; from Quanah, Tex., over Texas Highway 283 to its junction with U.S. Highway 380, as a point of joinder, and return over the same route, serving all intermediate points; (4) between Childress, Tex., and Aspermont, Tex.; from Childress, over U.S. Highway 287 to its junction with U.S. Highway 83, thence over U.S. Highway 83 to Aspermont, and return over the same route, serving all intermediate points; (5) between Vernon, Tex., and Dimmitt, Tex., from Vernon over U.S. Highway 287 to its junction with U.S. Highway 70, thence over U.S. Highway 70 to Plainview, Tex., thence over U.S. Highway 70 to its junction with Texas Highway 194, thence over Texas Highway 194 to its junction with U.S. Highway 385 South of Dimmitt, Tex., thence over U.S. Highway 385 to Dimmitt, Tex., and return over the same route, serving all intermediate points between Vernon and Matador, including Matador but serving Floydada for the purpose of joinder only; Alternate route: (6) between Floydada, Tex., and Ralls, Tex., from Floydada over Texas Highway 207 to Ralls, and return over the same route serving no intermediate points and serving Floydada and Ralls for the purpose of joinder only, for 180 days. Supporting shippers: West Texas Utilities Co., Post Office Box 841, Abilene, TX 79604. Krause Flow Corp., 305 South Monroe Street, Hutchinson, KS 67501. League Ranch, Benjamin, TX 79505. Bird Dry Goods Co., Crowell, TX 79227. Sears, Roebuck & Co., 1409 South Lamar Street, Dallas, TX 75202. Montgomery Ward, 2600 West Seventh Street, Fort Worth, TX 76101. City Hardware, 418 Central Avenue, Knox City, TX 79529. Matador Motor & Implement Co., Post Office Box 447, Matador, TX 79244. Coachmen Industries of Texas, Inc., Post Office Box 516, Olney, TX 76374. Paducah Implement Co., 719 Easy Street, Paducah, TX 79248. Ousley's of Rule, Box 696, Rule, TX 79547. Bishop's Furniture & Appliances, Box 637, Throckmorton, TX 76083 and Joe Hodges Transportation Corp., Wichita Falls, TX 76307. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 2860 (Sub-No. 89 TA), filed November 20, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Waxahachie, Tex., to New Orleans, La., for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., 1650 Manheim Pike, Lancaster, PA 17604. Send protests

to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, NJ 08608.

No. MC 107496 (Sub-No. 794 TA), filed November 23, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from Milwaukee, Wis., to Denver, Colo., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, IA 50309.

No. MC 107515 (Sub-No. 718 TA), filed November 23, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, in vehicles equipped with mechanical refrigeration, from at or near Holton, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, except Memphis and its commercial zone, for 150 days. Supporting shipper: Kansas Meat Packers, Division of A.P. Inc., Post Office Box 327, Holton, KS 66436. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 719 TA), filed November 23, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and frozen meat products*, from South Hutchinson, Kans., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Maryland, Ohio, West Virginia, Delaware, New Jersey, Pennsylvania, and New York, for 180 days. Supporting shipper: Doskocil Sausage, Inc., Nine Main North, South Hutchinson, KS 67501. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 109294 (Sub-No. 14 TA), filed November 23, 1970. Applicant: COMMERCIAL TRUCK CO., LTD., 230 Brunette Street, New Westminster, BC Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood bark fiber extenders*, from Anacortes, Wash., to the international boundary between the United States and Canada, at or near Blaine or Sumas, Wash., for 180 days. Supporting shipper: MacMillan Bloedel, Ltd., Post Office Box 340, Station A Vancouver 1, BC Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 116077 (Sub-No. 305 TA), filed November 23, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, 77001, Houston, TX 77023. Applicant's representative: W. E. Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in bulk, from the plant of Kaiser Aluminum and Chemical Corp. near Gramercy, La., the plant of Dow Chemical Co., Plaquemine, La., and the plant of Rubicon Chemical at Geismar, La., to the New Orleans, La., docks for export to Kaiser facility in Jamaica, for 180 days. Note: Applicant does not intend to tack with existing authority. Supporting shipper: Kaiser Chemicals (R. L. Weber, Traffic Manager) Kaiser Center, 300 Lakeside Drive, Post Office Box 2099, Oakland, CA 94604. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 120872 (Sub-No. 8 TA), filed November 23, 1970. Applicant: COLORADO CARTAGE COMPANY, INC., 5275 Quebec Street, Commerce City, CO 80022. Mail: Post Office Box 7176, Park Hill Station, Denver, CO 80207. Applicant's representative: Edward T. Lyons, Jr., 429 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Business papers, records, and audit and accounting media*; (2) *exposed and processed film and prints, complimentary replacement film, camera replacement parts and incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition); (3) *dentistry materials and supplies*, when moving to or from dentists; (4) *ophthalmic goods and order forms*, when moving to or from ophthalmologists; (5) *pharmaceuticals, radiopharmaceuticals, medical isotopes, narcotics, blood and blood derivatives, biological specimens and related records, and exposed x-ray films and materials*; and (6) *replacement parts for computers, data processing equipment, photocopy equipment and office machines*, between points in Larimer, Weld, Boulder, Denver, Adams, Arapahoe, Jefferson, Douglas, El Paso, and Pueblo Counties, Colo. Restrictions: (1) Restricted to traffic having an immediate prior or subsequent movement by air; and (2) no service shall be performed for the transportation of any

shipment weighing more than 75 pounds from one consignor to one consignee at one location on any one day. Note: Applicant proposes to interline traffic at Denver, Colo., which has an immediate prior or subsequent movement by air, for 180 days. Supported by: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 123392 (Sub-No. 28 TA), filed November 20, 1970. Applicant: JACK B. KELLEY, INC., 3801 Virginia Street, Amarillo, TX 79109. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in tube trailers, from East Chicago, Ind., to Richmond, Calif., for 120 days. Supporting shipper: E. A. Guldaman, Western Transportation Manager, Stauffer Chemical Co., 636 California Street, San Francisco, CA 94119. Send protests to: Hadkell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1012, Herring Plaza, 317 East Third, Amarillo, TX 79101.

No. MC 127030 (Sub-No. 3 TA), filed November 23, 1970. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox Street, Philadelphia, PA 19124. Applicant's representative: Leonard W. Becker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Philadelphia, Pa., to New York, N.Y., for 150 days. Supporting shipper: Debevoise-Anderson Co., Inc., 60 East 42d Street, New York, NY 10017. Send protests to: District Supervisor F. W. Doyle, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135065 (Sub-No. 1 TA), filed November 23, 1970. Applicant: EARL G. DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: John Schwab, Post Office Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar*, in packages, from Colonial Sugars Co., Gramercy, La., on the one hand, and on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, *return shipments limited to sugar shipments rejected in whole or part by consignees, and materials and supplies necessary for the precessing and packaging of refined sugar*, for 180 days. Supporting shipper:

Colonial Sugars Co., Gramercy Refinery, Gramercy, LA 70052, Oliver G. Stine, Assistant Traffic Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135072 (Sub-No. 1 TA), filed November 20, 1970. Applicant: JUDSON E. HEATER, 505 Como Park Boulevard, Buffalo, NY 14225. Applicant's representative: E. George Perdix, University Club, 546 Delaware Avenue, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as dealt in by Century Housewares, Inc.*, from Hamburg, N.Y., to Erie, Pa.; Mansfield and Toledo, Ohio; Flint, Pontiac, Saginaw, Lansing, Kalamazoo, and Muskegon Heights, Mich.; Fort Wayne, Ind., and the return of *such merchandise as dealt in by Century Housewares, Inc.* (not only defective but other as well) from Erie, Pa.; Flint, Pontiac, Saginaw, Lansing, Kalamazoo, Muskegon Heights, Mich.; Fort Wayne, Ind., to Hamburg, N.Y., for 150 days. Supporting shipper: Century Housewares, Inc., S-5225 Southwestern Boulevard, Hamburg, NY 14075. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

MOTOR CARRIER OF PASSENGERS

No. MC 29601 (Sub-No. 11 TA), filed November 23, 1970. Applicant: MIDWEST COACHES, INC., 216 North Second Street, Mankato, MN 56001. Applicant's representative: William E. Fox, 860 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, package express, and newspapers* in the same vehicle with passengers, between Mankato, Minn., and Sioux City, Iowa. From Mankato over U.S. Highway 14 to junction U.S. Highway 59; thence over U.S. Highway 59 to Slayton; thence over Minnesota Highway 30 to Pipestone; thence over U.S. Highway 75 to Sioux City, and return over the same route, serving all intermediate points, for 150 days. Note: Applicant intends to tack at Mankato and Sioux City. Supporting shipper: Robert W. Nelson, Tracy, MN; Wayne W. Lange, Pipestone, MN; Gertrude Wissink, Sioux Center, IA; George Korenchen, New Ulm, MN; Ray A. Heinen, Springfield, MN; Raymond R. Aeilts, Rock Rapids, IA; Evin R. Clausen, Luverne, MN. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16153; Filed, Dec. 1, 1970;
8:50 a.m.]

[Notice 109]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 27, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 106760 (Sub-No. 102) (Republication), filed June 11, 1969, published in the *FEDERAL REGISTER* issue of July 3, 1969, and republished this issue. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, OH 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, OK 74151. The report and recommended order of the Hearing Examiner which was served October 12, 1970, was made effective on November 18, 1970, and notice served on November 20, 1970, finds; upon consideration of all evidence of record that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel columns, steel joists, steel beams, steel roofing decks, steel shapes, steel trusses, steel sidings, and accessories thereof* from the plantsites of Macomber Inc., at Canton and Fairhope, Ohio, to points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill., and to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Upper Peninsula of Michigan, points in Georgia on and north of U.S. Highway 80, South Carolina, North Carolina, Virginia, and Ohio. The examiner further finds that the holding by applicant of the certificate authorized to be issued in the instant proceeding and the holding by applicant's commonly controlled affiliates, Beer Transport, Inc., and Relay Transport, Inc., of permits in Nos. MC-127806 and MC-111309, respectively, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to

impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations conform to the provisions of section 210 of the act. Because it is possible that other persons, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127505 (Sub-No. 32) (Republication), filed May 26, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, IL 61342. Applicant's representative: Ralph H. Boelk (same address as above). The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated October 30, 1970, and served November 18, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) aluminum articles (except those which because of size or weight require the use of special equipment or handling), from St. Charles, Ill., to Goshen, Milford, New Paris, Lagrange, Plymouth, and Syracuse, Ind.; Waldon, Mich.; Edgerton, Wis., and Bradner, Lima, and Van Wert, Ohio; and (2) household appliances, in containers, from Louisville, Ky., to Edina, Minn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133961 (Sub-No. 1) (Republication) filed December 8, 1969, published in the FEDERAL REGISTER issue of January 22, 1970, and republished this issue. Applicant: DONALD L. SIMONS, doing business as SIMONS TRUCKING CO., 721 10th Avenue West, Grand Rapids, MN 55744. Applicant's Repre-

sentative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated May 28, 1970, and served June 16, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fencing, lath, and pallets, from the plantsite of Cole Forest Products, Inc., near Grand Rapids, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Ohio, Montana, Wyoming, and Colorado; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134236 (Republication), filed December 12, 1969, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: CLYDE W. FERGUSON, doing business as CLYDE'S CUSTOM BODY & PAINT, 4876 South West, Murray, UT 84107. Applicant's representative: Bruce G. Cohn, 1010 University Club Building, Salt Lake City, UT 84111. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 1, decided November 5, 1970, and served November 17, 1970, finds upon viewing the substance of the application, the proposed service is actually that of a common carrier by motor vehicle; and that the present and future public convenience and necessity require operating by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked and disabled passenger vehicles and trucks, by use of wrecker equipment only, from points in Lincoln, White Pine, and Elko Counties, Nev., those in Lincoln, Unita, Sublette, and Sweetwater Counties, Wyo., those in Twin Falls, Gooding, Lincoln, Cassia, Oneida, Franklin, Bear Lake, Jerome, Madison, Minidoka, Blaine, Power, Bannock, Caribou, Bingham, Butte, Jefferson, and Bonneville Counties, Idaho, and points in Moffat, Rio Blanco, Garfield, and Mesa Counties, Colo., to Salt Lake City, Utah; that applicant is fit, willing, and able properly to conform to the requirements of the Interstate Commerce Act and to the Commission's rules and regulations

thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen the proceeding or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 3647 (Sub-No. 391) (Notice of Filing of Petition for Waiver of Rule 101(e) for Reopening, Reconsideration and for Modification of Certificate), filed November 2, 1970. Petitioner: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, NJ 07040. Petitioner's representative: Richard Frying (same address as applicant). Petitioner holds authority in No. MC 3647 (Sub-No. 391) authorizing it to conduct operations as a motor common carrier, over regular routes, transporting: Passengers and their baggage and express and newspapers in the same vehicle with passengers, between Newark, N.J., and North Bergen, N.J., serving all intermediate points: From junction Raymond Boulevard and Park Place, Newark, N.J., over Park Place to Broad Street, thence over Broad Street to Stickle Bridge, thence over Stickle Bridge (Interstate Highway 280) to Harrison, N.J., thence over Charles Fischer Ramp (Interstate Highway 280) to Harrison Avenue, thence over Harrison Avenue and Jersey City-Newark Turnpike to junction combined U.S. Highways 1-9, Jersey City, N.J., thence over combined U.S. Highways 1-9 to junction combined U.S. Highways 1-9 and Tonnele Avenue, Jersey City, N.J., thence over Tonnele Avenue (combined U.S. Highways 1-9) to junction Secaucus Road, North Bergen, N.J.; and return over the same route to Stickle Bridge, Newark, N.J., thence over access roads leading to junction State Street, thence over State Street to Broad Street, thence over Broad Street to Park Place, thence over Park Place to Mulberry Street, thence over Mulberry Street to junction Raymond Boulevard, Newark. Between Newark, N.J., and Harrison, N.J., serving all intermediate points: From junction Broad Street and Bridge Street, Newark, N.J., over Bridge Street to Bridge Street Bridge, thence over Bridge Street Bridge to Harrison Avenue, thence over Harrison Avenue to junction Charles Fischer Ramp (Interstate Highway 280), Harrison, N.J., and return over the same route.

Restriction: The operations authorized herein are restricted against the pickup or discharge of passengers at Harrison, N.J. The above-described authority to transport passengers was issued pursuant to the application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or

foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. Petitioner states it is a motor common carrier passengers for hire, holding certificates of public convenience and necessity issued by the Commission, authorizing operations over a network of regular routes between points in New Jersey, New York, Pennsylvania, and Delaware. Petitioner further states that the following restriction in said certificate "the operations authorized herein are restricted against the pickup or discharge of passengers at Harrison, N.J." requires petitioner to operate with "closed doors" through Harrison, N.J. Petitioner operates express bus service between Newark, N.J., and New York, N.Y., via the New Jersey Turnpike, traversing Harrison, N.J. An increased number of trips are now operated over that route since the opening of New Jersey Turnpike Interchange 15W which joins its presently operated routes on the Jersey City-Newark Turnpike. Petitioner believes that a direct bus service is necessary between Harrison, N.J., and Midtown New York City. By the instant petition, petitioner requests: (1) that the provisions of Rule 1100.101 of the Commissions general rules of practice be waived; (2) that the instant petition be accepted for filing; (3) that the proceeding in Docket No. MC 3641 Sub 391 be reopened for handling under modified procedure; (4) that the authority granted herein be modified to lift the restriction that no passengers could be picked up or discharged at Harrison, N.J.; and (5) that the Commission grant such other and further relief as may be required in the premises. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 93003 (Sub-No. 15) (Notice of Filing of Petition for Waiver of Rule 101(e), for Reopening, Reconsideration, and for Modification of Certificate), filed November 9, 1970. Petitioner: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, Post Office Box 5455, Huntington, WV. Petitioner is authorized in No. MC 93003 (Sub-No. 15), as here pertinent, to transport (1) mine cars, shovels, scrapers and scoops, and (2) parts of the commodities named in (1) above; between Huntington, W. Va., on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 27, that part of Virginia on and west of U.S. Highway 220, that part of Pennsylvania on and west of U.S. Highway 219, and those in that part of Ohio on and north of U.S. Highway 40. By the instant petition, petitioner seeks to have the commodity description modified in its Sub 15 which now reads in part, as described above to read as follows: (1) Mine and/or industrial cars and railway car or locomotive parts as described in appendix IV of *Motor Descriptions Case*,

61 M.C.C. 209; (2) mine shovels, scrapers and scoops; and (3) parts of those commodities named in (2) above; between Huntington, W. Va., on the one hand, and, on the other, points in that part of Tennessee on and east of U.S. Highway 27, that part of Virginia on and west of U.S. Highway 220, and that part of Pennsylvania on and west of U.S. Highway 219, and those in that part of Ohio on and north of U.S. Highway 40. Any interested persons desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of its publication in the *FEDERAL REGISTER*.

No. MC 124969 (Sub-No. 9) (Notice of Filing of Petition To Add Name of Shipper), filed October 12, 1970. Petitioner: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Tavares, FL. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds contract motor carrier authority in No. MC 124969 (Sub-No. 9) to transport over irregular routes: (1) (a) *Such commodities* as are dealt in or used by chain grocery or department stores; and (b) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b) (6) of the Act, when transported in the same vehicle, at the same time with the commodities described in (1) (a) above, from points in Hudson, Bergen, Essex, Passaic, Union, and Somerset Counties, N.J., the plant-site of P. J. Ritter & Co., at Bridgeton, N.J., points in Westchester, Nassau, Suffolk, and Rockland Counties, N.Y., Cossackie, Scotia, Waterford, and Waverly, N.Y., to points in Broward, Dade, Hillsborough, Lake, Orange, Pinellas, and Palm Beach Counties, Fla.; and (2) (a) *returned shipments* of the commodities described in (1) (a) above; and (b) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b) (6) of the Act, when transported in the same vehicle at the same time with the commodities described in (2) (a) above, from points in Broward, Dade, Hillsborough, Lake, Orange, Pinellas, and Palm Beach Counties, Fla., to points in Hudson, Bergen, Essex, Passaic, Union, and Somerset Counties, N.J., the plant-site of P. J. Ritter & Co., at Bridgeton, N.J., points in Westchester, Nassau, Suffolk, and Rockland Counties, N.Y., Cossackie, Scotia, Waterford, and Waverly, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Grand Union Co. of East Paterson, N.J. By the instant petition, Petitioner seeks to add the name of Unity Consolidated, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 128279 (Sub-No. 1) (Notice of filing of Petition to Remove a Restriction Under Rule No. 102), filed October 26, 1970. Petitioner: ARROW FREIGHTWAYS, INC., Post Office Box 3783, 4800 Jefferson NE., Albuquerque, NM 87110. Petitioner's representative: Jerry R. Murphy, 708 LaVeta Drive NE., Albuquerque, NM 87108. Petitioner holds authority in its certificate No. MC 128279 (Sub-No. 1), authorizing service over irregular routes, in the transportation of *Construction materials, supplies, and equipment* (except lumber and except commodities the transportation of which because of size or weight requires the use of special equipment); (a) between Albuquerque and Bernalillo, N. Mex., on the one hand, and, on the other, points in New Mexico (except points in Rio Arriba, Taos, and San Juan Counties). Restriction: The operations authorized above are restricted to the transportation of traffic having an immediately prior or subsequent movement by rail, (b) between Albuquerque, N. Mex., and points in Valencia, McKinley, and San Juan Counties, N. Mex., on the one hand, and, on the other, Indian reservations in Arizona. Restriction: The operations authorized next above are restricted against the delivery of traffic to points in Arizona on U.S. Highway 66. Petitioner states that the restriction in (a) above "restricted to the transportation of traffic having an immediately prior or subsequent movement by rail" is administratively undesirable, contrary to the Commission's expressed position, contrary to the public interest and contrary to the certificate of public convenience and necessity. By the instant petition, petitioner seeks removal of the above-quoted restriction from that part of its authority in (a) above. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 129680 and No. MC 129680 (Sub-No. 1) (correction) (Notice of Filing of Petition To Modify Permits), filed October 1, 1970, published in the *FEDERAL REGISTER* issue of October 21, 1970, and republished in part, as corrected, this issue. Petitioner: FRANK MORRIS, doing business as MORRIS TRANSPORTATION, Wethersfield, CT. Petitioner's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Note: The sole purpose of this partial republication is to show the correct address of petitioner's representative as 342 North Main Street, West Hartford, CT 06117. The rest of the petition remains as previously published on October 21, 1970.

No. MC 133928 (Sub-No. 3) (Notice of Filing of Petition To Add Additional Contracting Shipper), filed October 30, 1970. Petitioner: ANTHONY B. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, CA 92666. Petitioner's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, CA 90212. Petitioner holds a permit in No. MC 133928 (Sub-No. 3) authorizing it to

conduct operations as a contract motor carrier in the transportation, over irregular routes, of *Agricultural field equipment and harvesting equipment*, parts of agricultural field equipment and harvesting equipment, and materials and supplies used in the harvesting and distribution of agricultural commodities, between points in California, on the one hand, and, on the other, points in Arizona. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Bud Antle, Inc., of Salinas, Calif. By the instant petition, petitioner seeks to add the name of Hoerner-Waldorf Corp. as an additional contracting shipper of commodities and within scope-of-service held by petitioner in its permit MC 133928 Sub 3. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1515 (Sub-No. 160), filed November 12, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Anthony P. Carr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers their baggage, and express and newspapers* in the same vehicle with passengers, from Muskegon, Mich., over new U.S. Highway 31 to Grand Haven, Mich., and return over the same route. Restriction: Service is not authorized to or from intermediate points. NOTE: The instant application is a matter directly related to MC-F-11015, published in the FEDERAL REGISTER issue of November 25, 1970. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Cleveland, Ohio, or Washington, D.C.

No. MC 55312 (Sub-No. 13), filed November 18, 1970. Applicant: CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, TN 37203. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express and newspapers*, in the same vehicle with passengers between Louisville and Shepherdsville, Ky., over Interstate Highway 65. NOTE: This application is a matter directly related to MC-F-11026, published in the FEDERAL REGISTER issue of November 25, 1970. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 26430. Application by SEA LAND SERVICE, INC., R. J. REYNOLDS TOBACCO COMPANY, and REYNOLDS INDUSTRIES, INC., to control UNITED STATES LINES, INC. SEA LAND SERVICE, INC., operates as a water common carrier under certificate No. W-376, a subsidiary company, SEA LAND FREIGHT SERVICE, INC., is authorized to operate as a motor common carrier under a Certificate of Public Convenience and Necessity issued in No. MC-96612, serving certain points and carrying general and specified commodities in the Pacific Northwest including Alaska. UNITED STATES LINES, operates as a water common carrier under a certificate issued in No. W-497, between New York, N.Y., Baltimore, Md., and Los Angeles and San Francisco, Calif., through the Panama Canal.

No. MC-F-11027. Authority sought for purchase by REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512, of the operating rights of DAN'S MOTOR LINES, INC., 153 Chautauqua Street, Fredonia, NY 14063, and for acquisition by GLENN W. REED, also of Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Soap, soap products, cleaning and washing compounds and detergents* (except in bulk, in tank vehicles), as a *common carrier*, over irregular routes, from the shipping and plantsites of The Procter and Gamble Distributing Co., in Cincinnati, Ohio, to Erie, Pa., and Buffalo, Rochester, Jamestown, and Syracuse, N.Y.; *canned foods*, from Silver Creek and Irving, N.Y., and points within one-quarter mile of Irving, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; *package foods and canned and frozen fruits and vegetables*, from points in that part of New York (except Silver Creek and Irving, N.Y., and points within one-quarter mile of Irving) bounded by a line beginning at Port Ontario, N.Y., and extending east along New York Highway 13 to Pulaski, N.Y., thence south along U.S. Highway 11 to La Fayette, N.Y., thence west along U.S. Highway 20 to junction U.S. Highway 62, thence south along U.S. Highway 62 to the New York-Pennsylvania State line, thence west and north along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to the United States-Canada boundary line, at Buffalo, N.Y., thence along the United States-Canada boundary line to Lake Ontario, and thence along the shore of Lake Ontario to point of beginning at Port Ontario, to points in that part of Ohio (except Columbus) south and east of a line beginning at the Ohio-Penn-

sylvania State line and extending west along U.S. Highway 62 to Canton, Ohio, thence along U.S. Highway 30 to Mansfield, Ohio, thence along U.S. Highway 30S to Marion, Ohio, and thence south along Ohio Highway 4 to Cincinnati, Ohio, including points on the indicated portions of the highways specified in Ohio, except points on U.S. Highways 62 and 30;

Package groceries, from Cincinnati, Ohio to Erie, Pa., and Buffalo, Rochester, Jamestown, and Syracuse, N.Y.; *canned and frozen fruits and vegetables*, from points in that part of New York bounded by a line beginning at Port Ontario, N.Y., and extending east along New York Highway 13 to Pulaski, N.Y., thence south along U.S. Highway 11 to La Fayette, N.Y., thence west along U.S. Highway 20 to junction U.S. Highway 62, thence south along U.S. Highway 62 to the New York-Pennsylvania State line, thence west and north along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to the United States-Canada boundary line, at Buffalo, N.Y., thence along the United States-Canada boundary line to Lake Ontario, and thence along the shore of Lake Ontario to point of beginning at Port Ontario, N.Y., including points on the indicated portions of the highways specified, to Columbus, Ohio; *canned, prepared, or preserved foodstuffs* (except canned fruits and vegetables), from points in that part of New York bounded by a line beginning at Port Ontario, N.Y., and extending east along New York Highway 13 to Pulaski, N.Y., thence south along U.S. Highway 11 to La Fayette, N.Y., thence west and south along U.S. Highway 20 to junction U.S. Highway 62, thence south along U.S. Highway 62 to the New York-Pennsylvania State line, thence west and north along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to Athol Springs, N.Y., thence east through Athol Springs to junction U.S. Highway 20, thence north along U.S. Highway 20, to junction

New York Highway 78, thence north along New York Highway 78 to Wright's Corners, N.Y., thence west along U.S. Highway 104 to the United States-Canada boundary line, thence north along the United States-Canada boundary line to Lake Ontario, thence along the shore of Lake Ontario to point of beginning, at Port Ontario, N.Y., including points on the indicated portions of the highways specified, to Columbus, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Indiana, Maryland, New Jersey, New York, Pennsylvania, Michigan, Kentucky, Illinois, District of Columbia, Tennessee, Connecticut, Delaware, Massachusetts, Rhode Island, Virginia, Minnesota, Maine, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11028. Authority sought for control by LEASE PLAN FLEET CORP., 1925 North Sheridan, Tulsa, OK 74151, of EVERETT LOWRANCE, INC., Post Office Box 10216, New Orleans, LA 70121, and for acquisition by PEPSICO, INC., Purchase, N.Y. 10577, of control of

EVERETT LOWRANCE, INC., through the acquisition by LEASE PLAN FLEET CORP. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036, and Richard O. Battles, 1925 National Plaza, Tulsa, OK 74151. Operating rights sought to be controlled: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and except commodities in bulk in tank vehicles, as a common carrier, over irregular routes, from the plantsite of Producers Packing Co., near Garden City, Kans., to points in Alabama, Louisiana, Mississippi, and Texas; from the plantsite of Missouri Beef Packers, Inc., near Friona, Tex., to points in Kentucky, North Carolina, South Carolina, Alabama, West Virginia, Georgia, Florida, and Tennessee (except Memphis and points in its commercial zone as defined by the Commission); from the plantsite of Missouri Beef Packers, Inc., near Friona, Tex., to points in Ohio, Indiana, Oklahoma, Arkansas, Louisiana, and Mississippi, and Memphis, Tenn., with restrictions; *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of National Beef Packing Co. near Liberal, Kans., to points in Kentucky and Tennessee (except Memphis, Tenn., and points in its commercial zone as defined by the Commission); from Guymon, Okla., to points in Alabama, Louisiana, Mississippi, and Texas, with restriction;

Candy, confectionery products, and snack foods (other than frozen) (except in bulk), when moving in mixed loads with candy and/or confectionery products, all in vehicles equipped with mechanical refrigeration, from New Orleans and Ponchatoula, La., to points in Alabama, Arkansas, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma (except from New Orleans, La., to Oklahoma City, Okla., and its commercial zone as defined by the Commission and certain specified points in Oklahoma), Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; *prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite of the Pillsbury Co., at or near Denison, Tex., to Mobile, Ala., Pensacola, Fla., and to points in Arkansas, Louisiana, and Mississippi; from the plantsite and warehouse facilities of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North

Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, with restrictions; *bananas*, from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia (except points within 15 miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida (except Pensacola), Georgia (except Atlanta and points within 15 miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, from New Orleans, La., and Mobile, Ala., to points in Idaho, Montana, Oregon, Utah, and Washington, from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Florida (except Pensacola), Georgia (except Atlanta and points within 15 miles of Atlanta), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, from Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, from Houston, Tex., to points in Texas, New Mexico, Arizona, California, Colorado, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, Iowa, Arkansas, Illinois, Indiana, Louisiana, Michigan, and Wisconsin, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas;

Frozen pies and frozen bakery goods, from the plantsite of Bama Pie, Inc., at Tulsa, Okla., to points in the United States, except Hawaii and Alaska; *frozen potatoes and frozen potato products*, from certain specified points in Minnesota, Fargo, N. Dak., and Sioux City, Iowa, to points in Alabama, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas; *frozen fruit juices and frozen fruit concentrates*, in mixed loads with canned citrus products, from Bartow, Fla., and points within 50 miles of Bartow, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska (except Omaha and Lincoln), and Oklahoma; *frozen fruit juices, frozen fruit concentrates, and canned citrus products*, restricted to the transportation of mixed loads of frozen

and unfrozen commodities, from points in Florida (except Bartow, Fla., and points within 50 miles of Bartow), to points in Arkansas, Iowa, Missouri, Kansas, Nebraska (except Omaha and Lincoln), and Oklahoma; *canned citrus products*, from Bartow, Fla., and points within 50 miles thereof, to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska (except Omaha and Lincoln); *canned citrus products, and canned juice and beverages* (carbonated or noncarbonated, other than citrus), from Plymouth and Bradenton, Fla., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; *wheat bran and wheat shorts*, from certain specified points in Kansas, to points in Louisiana and Mississippi; *alfalfa meal and alfalfa pellets*, from certain specified points in Kansas, to points in Louisiana and Mississippi;

Animal feed, except in bulk, from the plantsite at or near Golden Meadow, La., and storage facilities at or near Lockport, La., of Usen Products Co., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Tennessee, Kentucky, and Indiana; *glassware*, from certain specified points in Oklahoma to certain specified points in Missouri, Cheyenne, and Casper, Wyo., and points in Arkansas, Texas, New Mexico, Colorado, and Kansas, from Sapulpa, Okla., to certain specified points in Arizona, and points in Mississippi, Alabama, Georgia, and Florida; *glass containers*, from Sand Springs and Muskogee, Okla., to points in Arizona and Mississippi; *glassware and caps, covers, stoppers, ball handles, tops, and other incidental accessories for glassware*, from Sand Springs and Sapulpa, Okla., to points in Kentucky, Tennessee (except Memphis), that part of Illinois south of Interstate Highway 70, and points in St. Louis and Jefferson Counties, Mo.; *glass and plastic containers, glassware, plasticware, caps, covers, tops, corrugated paper boxes and containers*, from Muskogee, Okla., to points in Alabama, New Mexico, Texas, and Wyoming, from Ada, Okla., to points in Alabama, Arkansas, Arizona, Colorado, Kansas, Mississippi, New Mexico, Texas, and Wyoming; *petroleum and petroleum products* (except commodities in bulk), from points in Garfield County, Okla., to points in Alabama, Florida, Georgia, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, and Tennessee;

Waxes, petroleum and petroleum products (except in bulk, in tank vehicles), from Smiths Bluff, Tex., to points in Kentucky, Mississippi, and Tennessee; *waxes, petrochemicals, petroleum and petroleum products* (excluding commodities in bulk, in tank vehicles), from points in Tulsa and Rogers Counties, Okla., to points in Alabama (except Birmingham), Florida, Georgia (except Atlanta), Mississippi, and Tennessee (except Memphis and Nashville); *sodium hypochlorite solution*, in containers, from Atlanta, Ga., to points in Alabama, points in those parts of Kentucky and Tennessee west of U.S. Highway 431, points in

that part of Louisiana east of the Mississippi River, and points in that part of Arkansas, on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Commission), from Houston, Tex., to points in Louisiana; *candy and confectionery products*, except in bulk, *advertising materials and premium merchandise*, moving in mixed loads with candy and confectionery products, except commodities in bulk, and *materials and supplies* used in the manufacture, sale and/or distribution of candy and confectionery products, except commodities in bulk, between the plantsites and storage facilities of the Reed Candy Co., located at or near Campbellsville, Ky., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Michigan (with exception), Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio (except Cincinnati and Dayton), Oklahoma, Oregon, South Dakota, Tennessee (except Memphis and Knoxville), Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming, with restriction;

New furniture and furniture parts, in boxes and packages, between Toccoa, Ga., Selma, Ala., and Trumann, Ark., between Toccoa, Ga., Selma, Ala., and Trumann, Ark., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and those parts of Virginia and North Carolina on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 220 to junction U.S. Highway 74 to Rockingham, N.C., thence along U.S. Highway 74 to Rockingham, and thence along U.S. Highway 1 to the North Carolina-South Carolina State line; *fresh fruits and vegetables*, when moving in mixed loads with bananas (presently authorized), from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Florida (except Pensacola), Georgia (except Atlanta and points within 15 miles of Atlanta), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; *prepared foodstuffs*, other than frozen, from the plantsite and storage facilities of the Pillsbury Co., at Denison, Tex., to certain specified points in Alabama, and points in Escambia and Santa Rosa Counties, Fla., except Pensacola, Fla.;

Uncooked bakery products, in vehicles equipped with mechanical refrigeration, from Denison, Tex., to points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Tennessee, with restriction; *meats*, from the plantsite and storage facilities of Wilson and Co., near Hereford, Tex., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis), with restriction; *foodstuffs*, from the plantsites and warehouse facilities of Kraft Foods Division of Kraftco Corp., at Garland and Dallas, Tex., to points in Louisiana and Mississippi, with restriction; *glass containers and accessories* for glass containers, from Palestine, Tex., to Tulsa, Okla.; *flour*, from points in Michigan to points in Oklahoma. LEASE PLAN FLEET CORP. holds no authority from this Commission. However, its controlling stockholders controls NATIONAL TRAILER CONVEY, INC., 1925 National Plaza, Tulsa, OK 74151, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), NORTH AMERICAN VAN LINES, INC., Lincoln Highway, East and Meyer Road, Fort Wayne, IN 46801, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), RELAY TRANSPORT, INC., 400 Tiffany Street, Bronx, NY 10474, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, OK 74151, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11030. Authority sought for control by CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, MI 48212, of MICHIGAN EXPRESS, INC., 1122 Fremont Avenue SW., Grand Rapids, MI 49502, and for acquisition by T. J. MOROUN and M. J. MOROUN, both also of 3399 East McNichols Road, Detroit, MI 48212, of control of MICHIGAN EXPRESS, INC., through the acquisition by CENTRAL TRANSPORT, INC. Applicants' attorneys and representatives: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603, Conrad E. Thornquist, 1 Vandenberg Center, Grand Rapids, MI 49502, and Robert W. Sawdey, 635 Old Kent Building, Grand Rapids, MI 49502. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk (not including metal products and scrap metals in bulk) and those requiring special equipment, as a *common carrier* over regular routes, between Grand Rapids, Mich., and Muskegon, Mich., between Holland, Mich., and Agnew, Mich., serving all intermediate points, between Chicago, Ill., and Marshall, Tekonsha, and Grand Rapids, Mich., and all intermediate points, those intermediate and off-route points within 2 miles of Kalamazoo, Mich., the off-

route points of Buchanan, Mich., and the site of the Upjohn Co. plant, located approximately 4½ miles southeast of Kalamazoo, and those off-route points in the Chicago, Ill., commercial zone as defined by the Commission, between Muskegon, Mich., and Detroit, Mich., and all intermediate points, with service at intermediate points restricted against traffic originating at Battle Creek, Mich., or points east thereof destined to points east of Battle Creek; and off-route points within 5 miles of Ann Arbor, Mich., those within 4 miles of Jackson, Mich., those in the Detroit, Mich., commercial zone, as defined by the Commission, the site of the Packard Motor Car Co., north of Utica, Mich., and the site of the Chrysler Corp., approximately 8 miles north of Detroit, unrestricted; between Grand Rapids, Mich., and Detroit, Mich., and the intermediate and off-route points in the Detroit, Mich., commercial zone as defined by the Commission, the off-route points of the site of the Packard Motor Car Co. plant, north of Utica, Mich., and the site of the Chrysler Corp. plant, approximately 8 miles north of Detroit; between Zeeland, Mich., and junction of 98th Avenue, and Michigan Highway 50, serving the intermediate point of Borculo, Mich.;

General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Chicago, Ill., and St. Louis, Mo., serving the intermediate point of East St. Louis, Ill., and the intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, in the transportation of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Chicago over U.S. Highway 66 to junction city U.S. Highway 66, and thence over city U.S. Highway 66 to St. Louis, between Rock Island, Ill., and Chicago, Ill., serving all intermediate points, and the off-route points of Rock Falls, Ill., those in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673, and those in the Daveport-Rock Island and Moline commercial zone as defined by the Commission in 41 M.C.C. 557, between Dixon, Ill., and La Salle, Ill., serving all intermediate points and the off-route point of Peru, Ill., between Aurora, Ill., and junction U.S. Highways 52 and 30, serving no intermediate points, between junction U.S. Highways 30 and 52 at or near Lee Center, Ill., and junction U.S. Highway 30 and Illinois Highway 2 at Rock Falls, Ill., serving the intermediate point of Rock Falls, Ill., over numerous alternate routes for operating convenience only;

General commodities, excepting among others classes A and B explosives, household goods and commodities in bulk over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone, as defined by the Commission in 2 M.C.C. 285 *new furniture*, uncrated, from certain specified points in Michigan, to points in Oklahoma, Texas,

Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, South Carolina, North Carolina, Virginia, Vermont, and Maine, with restriction; from certain specified points in Michigan, to points in North Dakota, South Dakota, Kansas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, from Winchester, Va., to points in Pennsylvania, New York, Ohio, Wisconsin, Minnesota, Michigan, Illinois, and Indiana; *new store fixtures*, uncrated, from Grand Rapids to points in North Dakota, South Dakota, Kansas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, from Grand Rapids to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, South Carolina, North Carolina, and Virginia; *locomotive seats, railway car seats, motor vehicle seats, boat seats, airplane seats, and other vehicles seats, and parts and accessories thereof*, uncrated, from Grand Rapids, Mich., to points in Alabama and Washington; *veneer and plywood*, from Lowville, N.Y., to Grand Rapids, Mich., traversing Pennsylvania, Ohio, and Indiana for operating convenience only; *airplane seat assemblies, and parts thereof*, between Grand Rapids, Mich., on the one hand, and, on the other, Farmingdale and Port Washington, N.Y.; *springs*, from Royersford, Pa., to Grand Rapids, Mich.;

Veneer, from Chestertown, N.Y., to Grand Rapids, Mich.; *seats, motor vehicle and car*, from Grand Rapids, Mich., to St. Louis, Mo., and points in Illinois, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia; *new furniture and stone furniture tops*, between Adrian, Mich., and McDermott, Ohio, from Adrian, Mich., and McDermott, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *new furniture*, from Grand Rapids, Mich., to points in Illinois, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia; *lubricating oil*, from Bedford, Ohio, to certain specified points in Michigan; *cash registers*, from certain specified points in Michigan, to Dayton, Ohio; *glass bottles*, from Gas City and Marion, Ind., to Grand Rapids, Mich.; *soap and soap materials*, from New York and Elmhurst, N.Y., to points in Pennsylvania and Ohio on and north of U.S. Highways 30 and 30S; *groceries and food products*, from New York, N.Y., Philadelphia, Pa., and Jersey City, N.J., to Chicago, Ill., and points in Pennsylvania and Ohio on and north of U.S. Highways 30 and 30S, from New York, N.Y., to points in Michigan; *dairy products*, from certain specified

points in Michigan, to Buffalo and New York, N.Y.; *canned milk*, from Defiance, Ohio, to Grand Rapids and Muskegon, Mich.;

Household goods as defined by the Commission, between Grand Rapids, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin; *drugs*, between Grand Rapids, Mich., on the one hand, and, on the other, Baltimore, Md., and points in Ohio, from Grand Rapids, to Richmond, Ind.; *forgings and steel*, between certain specified points in Michigan, and points within 8 miles of each, on the one hand, and, on the other, certain specified points in Ohio; *metal and metal products*, from Toledo, Ohio, to certain specified points in Michigan; *iron and steel mill products* (not requiring special equipment because of size or weight), from Apollo, Pa., to certain specified points in Michigan; *forgings and castings*, from South Haven, Mich., to Canton, Ohio; *food and beverage dispensing and vending machines*, uncrated, and *cabinets, parts, and accessories, for such machines* when moving in the same vehicle with the machine to which they are to be attached or made an integral part, from Traverse City, Mich., to points in the United States (except those in Maine, Vermont, New Hampshire, North Dakota, South Dakota, Nebraska, Wyoming, Montana, Idaho, Washington, and Oregon); *new furniture*, from Grand Rapids, Mich., to points in Connecticut, Delaware, New Hampshire, and Rhode Island; and *new furniture* (uncrated), from Grand Rapids, Mich., to points in Missouri; over numerous alternate routes for operating convenience only. Vendee is authorized to operate as a common carrier in Michigan. Application has been filed for temporary authority.

No. MC-F-11032. Authority sought for purchase of BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, NH 03060, of the operating rights and property of R. S. BRINE TRANSPORTATION CO., 194 West First Street, South Boston, MA 02127, and for acquisition by DANA L. CLARK, also of Nashua, N.H., of control of such rights and property through the purchase. Applicants' attorney and representative: Mary Kelley, 11 Riverside Avenue, Medford, MA 02155 and Morris Fulman, 6 Pleasant Street, Malden, MA 02148. Operating rights sought to be transferred: *General commodities*, except those requiring special equipment, and except household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, as a *common carrier*, over regular routes between Boston, Mass., and Madison, Maine; *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points

in Massachusetts, Rhode Island, that part of Maine south of Maine Highway 25, that part of New Hampshire south of a line beginning at Portsmouth, N.H., and extending in a southwesterly direction through Epping, N.H., to Manchester, N.H., and thence in a northwesterly direction through Walpole, N.H., to the Connecticut River, and those in Connecticut east of Connecticut Highway 32, including points on the indicated portions of the highways specified, and the points named;

Wool, wool products, cotton, cotton products, mohair, rayon, and textile mill supplies and equipment, used or useful in the manufacture of such products, between certain specified points in Rhode Island, Wauregan, Conn., Nashua, N.H., and points in that part of Massachusetts on and east of U.S. Highway 5, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire, that part of Connecticut on and east of Connecticut Highway 8, and those in Maine south of a line beginning at the Atlantic Ocean, 5 miles north of Cutler, Maine, and extending in a westerly direction through Machias, Bangor, and Wilson Mills, to the Maine-New Hampshire State line; *heavy machinery, machine parts, and such commodities*, requiring specialized handling or rigging because of size or weight, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and that part of Maine south of a line beginning at the Atlantic Ocean, 5 miles north of Cutler, Maine, and extending in a westerly direction through Machias, Bangor, and Wilson Mills, to the Maine-New Hampshire State line, between points in Maine, between points in Vermont. Vendee is authorized to operate as a common carrier in Massachusetts, Rhode Island, New York, New Hampshire, Vermont, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16154; Filed, Dec. 1, 1970; 8:50 a.m.]

[Notice 610]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72405. By order of November 23, 1970, the Motor Carrier Board approved the transfer to Charles Beil & Sons, Inc., Millstadt, Ill., of the operating rights in certificate No. MC-44101, issued March 27, 1941, to Fred Ziska, doing business as Fred Ziska Coal & Hauling Co., Belleville, Ill., authorizing the transportation of coal, from points in St. Clair and Madison Counties, Ill., to St. Louis, Mo.; and sand, gravel, and crushed stone, from St. Louis, Mo., to points in the above-specified Illinois counties. Robert Cummings, 6400 West Main Street, Suite 1-J, Belleville, IL 62223, attorney for transferor, Melvin N. Routman, 306-308 Reisch Building, Springfield, IL 62701, attorney for transferee.

No. MC-FC-72469. By order of November 24, 1970, the Motor Carrier Board approved the transfer to Macoit Cartage Co., a Michigan corporation, Detroit, Mich., of the operating rights in permits No. MC-96476 and MC-96476 (Sub-No. 1) issued April 21, 1949 and March 3, 1953, respectively, to Donald R. Macoit, doing business as Macoit Cartage, Detroit, Mich., authorizing the transportation of specified commodities between Detroit, Mich., on the one hand, and, on the other, specified points and areas in Michigan. Allen J. Counard, 17663 West 10 Mile Road, Southfield, MI 48075, attorney for applicants.

No. MC-FC-72491. By order of November 23, 1970, the Motor Carrier Board approved the transfer to M.G.L. Freight Co., a corporation, Denver, Colo., of the operating rights in certificate No. MC-44748 issued January 29, 1970, to Circle Cartage Co., a corporation, Kansas City, Mo., authorizing the transportation of general commodities, with the usual exceptions, between Kansas City and North Kansas City, Mo., and Kansas City, Kans., and points within 10 miles of the points named. Tom B. Kretsinger, 450 Professional Building, Kansas City, MO 64106, attorney for applicants.

No. MC-FC-72493. By order of November 23, 1970, the Motor Carrier Board

approved the transfer to Metal Transport, Inc., Huntington Park, Calif., of the certificate and the certificate of registration in Nos. MC 123097 and MC 123097 (Sub-No. 2) issued January 19, 1961, and September 24, 1964, to Budco Trucking Co., Inc., doing business as Harbor Tiger Lines, Los Angeles, Calif., authorizing the transportation of mechanics hand tools, steel tool boxes, steel storage cabinets, store display boards, brass valves, and other specified commodities, from Los Angeles, Calif., to Wilmington, Calif., flower holders and dried fruits, from Pasadena, Calif., to Wilmington, Calif., gas pressure regulators, from Alhambra, Calif., to Wilmington, Calif., jacks or jack screws, not wheeled, from Burbank, Calif., to Wilmington, Calif., auto parts, from Wilmington, Calif., to Los Angeles, Calif., and numerous specified commodities between all points and places in the Los Angeles Territory as described in Decision No. 56714 dated May 20, 1958, transferred in Decision No. 60218 dated June 6, 1960, issued by the Public Utilities Commission of California. William Davidson, Post Office Box 58381, Vernon, CA 90058, representative for applicants.

No. MC-FC-72498. By order of November 23, 1970, the Motor Carrier Board approved the transfer to Torrey Delivery, Inc., Dunkirk, N.Y., of Certificate of Registration No. MC 9580 (Sub-No. 2) issued to L. A. D. Truck Lines, Inc., Lancaster, N.Y., evidencing a right to engage in interstate or foreign commerce, in the transportation of general commodities, between specified points in New York. Herbert M. Cantor, 345 South Warren Street, Syracuse, NY 13202, attorney for transferee.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16155; Filed, Dec. 1, 1970;
8:50 a.m.]

[Notice No. 620]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 27, 1970.

Application filed for temporary authority under section 210a(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72520. By application filed November 23, 1970, A. A. MARTIN TRANSPORTATION CO., INC., 19 Fair Oaks Road, Dedham, MA 02026, seeks temporary authority to lease the operating rights of R. S. BRINE TRANSPORTATION CO., 194 West First Street, South Boston, MA, under section 210a (b). The transfer to A. A. MARTIN TRANSPORTATION CO., INC., of the operating rights of R. S. BRINE TRANSPORTATION CO. is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16156; Filed, Dec. 1, 1970;
8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 25, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42084—Chlorine from Acme, N.C. Filed by O. W. South, Jr., agent (No. A6209), for and on behalf of the Seaboard Coast Line Railroad Co. Rates on chlorine in tank carloads, as described in the application, from Acme, N.C., to Suffolk, Va.

Grounds for relief—Market competition.

Tariff—Supplement 195 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16157; Filed, Dec. 1, 1970;
8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR	Page	15 CFR—Continued	Page	30 CFR	Page
PROPOSED RULES:		376.....	18317	503.....	18274
16.....	18297	386.....	18317		
		387.....	18317		
5 CFR		18 CFR		32 CFR	
213.....	18322	PROPOSED RULES:		67.....	18277
7 CFR		3.....	18324	68.....	18277
51.....	18257	32.....	18324	88.....	18277
971.....	18261	33.....	18324	244.....	18277
1425.....	18261	34.....	18324	269.....	18277
PROPOSED RULES:		35.....	18324	274.....	18277
730.....	18286	36.....	18324	1480.....	18270
1120.....	18287	45.....	18324	1712.....	18313
1121.....	18287	159.....	18324		
1126.....	18287			32A CFR	
1127.....	18287	19 CFR		EDC (Ch. VI):	
1128.....	18287	6.....	18265	BDC Notice 3.....	18270
1129.....	18287	8.....	18265		
1130.....	18287	10.....	18265	38 CFR	
9 CFR		11.....	18265	3.....	18280
76.....	18262, 18313	12.....	18265		
204.....	18262	18.....	18265	42 CFR	
12 CFR		21.....	18265	PROPOSED RULES:	
329.....	18314	23.....	18265	81.....	18292, 18293
14 CFR		25.....	18265		
73.....	18274	171.....	18265	46 CFR	
97.....	18314	172.....	18267	310.....	18264
207.....	18274	PROPOSED RULES:			
15 CFR		4.....	18284	49 CFR	
368.....	18315	6.....	18284	7.....	18318
369.....	18316	8.....	18284	171.....	18276
370.....	18316	15.....	18284	1033.....	18318, 18319
372.....	18316	18.....	18284	PROPOSED RULES:	
373.....	18316	123.....	18284	174.....	18323
		21 CFR		177.....	18323
		121.....	18269	571.....	18295, 18297
		146a.....	18270	50 CFR	
		146b.....	18272	17.....	18310